Juries- 1935

Durham, N. C. Herald
June 1, 1935

JURY LISTS TO BE PURGED NEXT WEEK

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Names Of Negro Taxpayers Will Be Placed In Jury Box By Commissioners

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With the biennial task of purging the jury lists before the Durham county board of commissioners next week, authorities said yesterday that they anticipated no question to arise regarding the placing in the jury box of the names of Negro taxpayers.

The United States supreme court recently ordered new trials in several cases on the grounds that Negroes were excluded from jury service, but local authorities said yesterday that Negro names have always been included in the boxes here.

An attempt was made during the trial of Theodore Cooper to quash a first degree murder indictment on the grounds that racial discrimination was practiced in the selectio.. of the grand and petit juries involved in the case, but a hearing on the motion before Judge Walter Small proved that Negro names are in the jury box.

The matter of the selection of prospective jurors is within the discretion of the jury commissioners who draw the panels, and no man is selected for jury service unless he is thought to be fit for the job.

Around four days are expected to be required for purging the jury lists next week, and officials said yesterday the commissioners probably would not get started on the task before Wednesday.

At 10 a. m. Monday the board is to meet in joint session with the city council to act on the health department budget for the coming fiscal year.

Other business to be transacted during the June meeting is expected to be more or less of a routine nature, although County Manager D. W. Newsom will feel out the board's attitude toward pushing applications for federal work relief projects, including a $200,000 drainage job for New Hope creek. Inventories for the various proposed projects in the county were filed with federal authorities several months ago.

Raleigh, N. C. Observer
June 4, 1935

NEGROES ADMITTED TO SERVICE ON JURY

Wilson, June 3.—The Wilson county commissioners today voted to include Negroes in the jury lists. The ruling of the commissioners came after they were advised by H. G. Connor, Jr., county attorney, that anytime a Negro was indicted under recent ruling of the United States Supreme Court it was the duty of the judge to quash the indictment if no Negroes served on the jury before which the indicted Negro was being tried.

Raleigh, N. C. Observer
June 4, 1935

WILL INCLUDE NEGROES ON JURY LIST AS USUAL

Wake's Commissioner Expected to Prepare List For Two-Year Period Soon

No change in the proceedure of drawing Wake County's bi-ennial jury list will be necessary as result of the U. S. Supreme Court's decision in the Scottsboro, Ala., case regarding the service of Negroes as jurors, county officials said yesterday as the county board planned the new list.

Names of Negro freeholders have been in Wake's jury boxes for several years and they are drawn frequently. However, Negroes summoned for duty are generally excused and it has been many years since one served on a State jury here.

It is not unusual for one or more Negroes to serve on Federal juries in Raleigh.

The Supreme Court in the Scottsboro case, set the verdict aside because of the absence of Negroes from jury lists.

The Wake County Commissioner yesterday made no definite move to compile a new list, but is expected to do so later this week. It is customary for the board to appoint a jury commissioner, who copies several thousands of names from the tax books and submits them to individual members of the board. Each member of the board then checks names in his respective district.

Juries for both criminal and civil courts for the next two years are drawn from this list.

Gastonia, N. C. Gazette
June 4, 1935

NEGROES TO SIT ON MECKLENBURG JURIES

CHARLOTTE, June 4.—(AP)—The Mecklenburg board of county commissioners has voted to admit negroes to jury duty without discrimination. It unanimously adopted a resolution that in the biennial purging of the county jury list this month that all non-delinquent taxpayers of good morals and sufficient intelligence be listed for jury service.

Anderson, S. C., Record
June 3, 1935

NEGRO JURORS AGAIN.

(Greenville News.)

As if to make it clear that it was not employing any subterfuge in the "Scottsboro case," the United States supreme court has come along with another decision in connection with and Oklahoma trial, reaffirming its decree that negroes cannot be arbitrarily excluded from jury duty. This decision makes it clearer than ever that the Southern states, along with all other states, must include eligible negroes in the jury list. There is, as a matter of fact, no sound reason why eligible negroes should not be drawn upon jury lists. Jury service is a purely civic duty and there should be no antagonism to the inclusion in jury lists of colored people who can qualify under the laws for such service.

Charlotte, N. C. Observer
June 4, 1935

NEGROES AND JURIES.

An innovation begins in this county in the matter of allowing negroes to serve as jurymen.

In view of the recent Supreme Court decision in the renowned Alabama case, originating at Scottsboro, the action of the county commissioners was not only logical but unavoidable if protection is to be given verdicts in the local courts in the future against being thrown out for the same reason that the Scottsboro verdict went out—that negroes were barred in that State from jury service.

With the inevitability of this course before them, the commissioners have acted properly and wisely.

There are now two duties incumbent upon all concerned, first upon the commissioners to be exceedingly careful in their selections of jurymen, not only as to the colored, but as to the white race as well and, second, a duty resting upon the negro citizenship of the community to strive to advance itself to that degree of mental and moral fitness to accept this public responsibility.

Raleigh, N. C. Observer
June 4, 1935

NEGROES ARE ADMITTED ON JURIES IN WILSON

Charlotte, June 3.—(AP)—The Mecklenburg board of county commissioners voted today to admit Negroes to jury duty without discrimination. It unanimously adopted a resolution that in the biennial purging of the county jury list this month all non-delinquent tax payers of good morals and sufficient intelligence be listed for jury service.

Greensboro, N. C., News
June 4, 1935

Mecklenburg Will Admit Negroes To Jury Service

Charlotte, June 3.—(AP)—The Mecklenburg board of county commissioners voted today to admit negeroes to jury duty without discrimination. It unanimously adopted a resolution that in the biennial purging of the county jury list this month that all non-delinquent tax payers of good morals and sufficient intelligence be listed for jury service.

Gastonia, N. C. Gazette
June 4, 1935

Purging Our Jury Lists.

One of the most important tasks confronting the various boards of county commissioners this month is the purging of the jury lists.

Every two years there is assigned to the board of county commissioners of each county the job of selecting the names of the citizens and taxpayers who make up the jury list.

No matter how firm the judge may be, or how relentless a prosecutor the solicitor may be, their work is reduced to naught if the jury is composed of men who do not know their duty. There are too many juries in this State filled from time to time with what are known as professional jurors, that is, men who sit around the court house during court week for the purpose of being drawn as jurors, simply for the purpose of earning the per diem. Most of them are known personally to lawyers and court attaches. Most of them are putty in the hands of a shrewd lawyer and can be depended on to bring in satisfactory(?) verdicts.

To offset this necessary evil in our court system, if indeed it be necessary, the jury lists ought to contain the names of the most substantial citizens of the county. They ought to be men of intelligence, education and moral backbone. The News and Observer says:

"It is tremendously important, therefore, that jury lists in North Carolina be composed as far as possible only of those who are morally and men-

tally qualified. And in every county the lists should contain all of those who are best qualified on moral and mental grounds. The commissioners thus should not only weed out the unfit but also take pains to include the names of those educated and intelligent people, in business and in the professions, who have in some measure and in some counties been omitted in the past."

Another thing that confronts the county commissioners is the situation presented by the recen Scottsboro decision. It has been made mandatory that negroes should not be barred from serving on juries. Under the decision of the U. S. Supreme court in the Scottsboro case, the commissioners must deal with negroes as jurors. And they should be added to the jury lists in the same manner in which other names are added.

As a matter of fact, we believe that the addition of negroes to the lists would be a most effective method of dealing with crime among the negroes The better class of negroes would go further in punishing evil-doers from their race than a jury of professionals as described above. If a negro citizen is a taxpayer, and is upright and honest, endowed with the proper civic consciousness, there is no reason why he should not make as good a juror as any one else.

The placing of names of reputable negro citizens in the jury lists would be in keeping with the spirit of the Supreme court decision. It, too, would go far toward removing any racial prejudices or any semblance of violence that might arise in case of a fiercely contested trial.

In Gaston county, there is a marked absence of any racial bitterness. The negroes and whites in this community dwell together in the utmost harmony. Not in years and years has there been the slightest sign of any trouble, and there is not even the remotest likelihood of any such trouble as long as the better element of both races maintain the same cordial relations toward each other.

(Brooklyn Section)
N. Y. TIMES
JUN 7 1935

NEGRO JURIST ASSISTS.

Watson Assigned to Help McNulty in Second District Court.

The bench in the Second District Municipal Court, 495 Gates Avenue, Brooklyn, was occupied yesterday by a Negro jurist, Justice James S. Watson, whose home district, the Tenth, covers the Harlem section of Manhattan. Justice Watson was assigned to the Brooklyn court to assist Justice William J. McNulty in meeting a heavy calendar.

A committee which greeted Mr. Watson included Justice McNulty, Louis M. Brass, chairman of the Municipal Court committee of the Brooklyn Bar Association; Magistrate William R. Bayes, the Rev. Thomas S. Harten, pastor of the Holy (Negro) Baptist Church; Municipal Court Justice George J. Joyce and Harry Wolkof, clerk of the Second District.

Raleigh, N. C. Observer
June 5, 1935

RIGHTS OF NEGROES BEFORE MEEKINS

Jurist Asserts They Have Not Been Excluded From the Federal Jury Lists

Elizabeth City, June 4.—Judge I. M. Meekins, presiding today over a special term of U. S. district court here, denied a defense motion to quash an indictment against Alonzo Smith, Perquimans county Negro charged with liquor tax evasion because no Negroes were on the grand jury or petit jury list.

But Judge Meekins offered to send for a Negro and put him on the jury or allow P. G. Sawyer, defense attorney, to exhaust his 10 challengers with the understanding that then the judge would place 10 Negroes on the jury.

"I don't want to be sensational, your honor," said Sawyer, chairman of the Democratic executive committee in Pasquotank. "I'm a Democrat and head the Democratic party in this county."

Sawyer said he had been informed Judge Meekins during a recent session of U. S. district court in Raleigh, had ordered that names of Negroes be placed on the jury list.

Judge Meekins emphatically denied having issued such an order and said names of Negroes had not been excluded from the jury list.

"There has been no effort to keep Negroes out," declared the judge. "There have been Negroes on Federal juries in New Bern, Wilson and Durham."

The Negro was acquitted.

Gastonia, N. C. Gazette
June 6, 1935

NEGROES AND JURIES.

(Charlotte Observer.)

An innovation begins in this county in the matter of allowing negroes to serve as jurymen.

In view of the recent Supreme court decision in the renowned Alabama case, originating at Scottsboro, the action of the county commissioners was not only logical but unavoidable if protection is to be given verdicts in the local courts in the future against being thrown out for the same reason that the Scottsboro verdict went out—that negroes were barred in that state from jury service.

With the inevitability of this course before them, the commissioners have acted properly and wisely.

There are now two duties incumbent upon all concerned, first upon the commissioners to be exceedingly careful in their selections of jurymen, not only as to the colored, but as to the white race as well and, second, a duty resting upon the negro citizenship of the community to strive to advance itself to that degree of mental and moral fitness to accept this public responsibility.

Statesville, N. C. Daily
June 5, 1935

Mecklenburg Will Admit Negroes To Jury Service

Charlotte, June 4.—The Mecklenburg board of county commissioners voted yesterday to admit negroes to jury duty without discrimination. It unanimously adopted a resolution that in the biennial purging of the county jury list this month that all non-delinquent tax payers of good morals and sufficient intelligence be listed for jury service.

Jurors, White and Black

TWO OR THREE weeks ago the Charleston *News and Courier*, displaying, as always, more rhetoric than logic, took issue with the *Boston Transcript* in its assertion that the educational and economic progress of Negroes has demonstrated that many of them are capable of passing the tests of character and intelligence which are met by white jurors. The *Transcript's* reasoning led it to the conclusion that the change in southern jury systems dictated by the United States Supreme Court in its Scottsboro decision, "is welcomed by thinking whites in the southern states."

"That, in South Carolina," objected the *News and Courier*, "is hardly true—unless by 'many' are meant as few as 5,000 or 10,000 Negroes among 200,000 male adults." To prove its contention, the Charleston paper declared that "were 100,000 Negroes able to meet the tests of character and intelligence that white men in their various activities meet, exclusion of Negroes from juries and from voting long ago would have ceased."

One should never take too seriously the preachments of the *News and Courier's* editor on the subject that brings forth his most penetrating vehemence. So we laid the editorial aside, and there it would have remained had we not come across a report of the speech of WINFIELD A. WORTH, prominent Elizabeth City (N. C.) attorney, made before the Board of Commissioners of Pasquotank County last Monday.

"I have faced juries in this county," Mr. WORTH stated, "on which I have seen men who could not read or write, men who are known to possess no morals or scruples, and men who have not the intelligence nor the character necessary to determine right from wrong. This situation needs correction, and I am here to urge that you gentlemen scrutinize the names you draw from the jury box in the future and put them aside unless you are fairly certain that they are competent and fit to serve on a jury."

If that condition prevails in North Carolina, it probably prevails in South Carolina and very likely in an aggravated degree. It is therefore rather doubtful that the standard by which whites are included, and Negroes excluded, when juries are selected, is one of character and intelligence. Obviously, that is merely an excuse for the illegal and undemocratic practice prevailing in South Carolina. But even if the wide discrepancy in intellectual qualifications which the *News and Courier* alleges did exist, the blame would rest, not upon any inherent incapacity of the Negro race, but upon the shoulders of white South Carolinians who spend $65.11 for public school instruction of every white child, and $11.07 for each colored child; and who allot 99.93 per cent of funds for transportation of rural school children to whites, and only .07 per cent (seven-one hundredths of one per cent) to Negroes.

Charleston, S. C. News & Courier
August 6, 1935

NEGROES GO IN JURY BOX

Orders Issued in Western District Federal Court

Greenville, Aug. 5.—(AP): Negroes will be summoned for jury service at the next term of United States court for the Western district of South Carolina beginning at Rock Hill September 10, it was learned today.

It will be the first time negroes have been summoned in the Western district. Names of negroes who are qualified electors—a requisite for service—have been secured from the clerks of court of the eighteen counties which comprise the Western district.

It was understood that federal jury commissioners herel had been ordered to include the names of negroes in the jury box following the supreme court decision in the Scottsboro case, which remanded for new trial two negroes who had been sentenced to death in an attack because negroes were excluded from jury service.

Judge Hayne F. Rice, of Aiken, several months ago ordered jury commissioners at Spartanburg to include names of negroes in the jury box.

Juries-1935

Sandersville, Ga., Progress
April 11, 1935

Negroes on the Juries

The Supreme Court of the United States has decided that the Alabama Negroes who are charged with criminal assault are entitled to a new trial because there were no Negroes on the grand jury that indicted them or the traverse jury that convicted them, and therefore a new trial will be held, and arrangements made to have the juries composed partly of Negroes.

This is not a new arrangement in that state. Several years ago a Negro was arraigned for trial at Union Springs, the charge being the poisoning of some of his relatives in order that he might get their property. Negroes served on the jury and the verdict of guilty was unanimous, carrying the death penalty. At various times other Negroes were tried for murder, and the county officials always arranged to have Negroes serve on the jury in every instance, verdicts of guilty being rendered whenever the evidence was sufficient to convict, and the criminals were legally executed by hanging, including a Negro woman who had choked a dissolute white woman to death, stripped her of her clothing and left her body lying near the Montgomery & Eufaula railroad tracks.

The decision of the Supreme Court may result in a number of new trials on the same grounds that brought about the demand for another court hearing of the Scottsboro prisoners, as it has not been customary to have the names of Negroes in the jury boxes of some of the southern states, the selection of jurors generally being made from the most intelligent citizens of each county, and this excluded them.

A member of the Alabama legislature has prepared an act to be submitted for approval which will confine the selection of jurors to the qualified voters, which will exclude both white and colored citizens from service in this capacity who have failed to qualify themselves for the duties of citizenship, and this will solve the problem in many counties where there are comparatively few Negroes who are thus qualified.

SELMA, ALA.
TIMES-JOURNAL

APR 5 1935

AN UPHEAVAL IN OUR JURY SYSTEM

Governor Graves has done only what a conscientious executive sworn to uphold the law could do in the face of a very vexing situation—he has ordered the county jury commissions in the 67 counties to empty their boxes and revise their lists so as to include qualified negroes on the jury panels. The Governor says that it does not matter how distasteful to him the action my be, he has no other course open to him. He further emphasizes that the decision of the U. S. Supreme Court which is based on the Federal Constitution, need not be circumvented by subterfuge or indirection; that it must be complied with in good faith.

All of the legislative devices to "beat" the decision which is the Supreme law of the land, is thus frowned out of consideration. The old axiom says "you cannot do by indirection what you cannot do directy." Another appeal of the Scottsboro cases to the high court at Washington will bring another reversal as certainly as the night follows the day, unless the law is complied with bodly and in good faith.

Concord, N. C. Tribune
April 13, 1935

NEGROES ON JURIES?

Cleveland Star.

With the Supreme Court decision that negroes cannot be systematically excluded from juries before him, Governor Graves of Alabama, makes this statement:

"Holdings of the United States Supreme Court are the supreme laws of the land. Whether we like the decisions or not, it is the patriotic duty of every citizen and sworn duty of every public officer to accept and uphold them in letter and in spirit . . . This decision means that we must put the names of negroes in jury boxes in every county. Alabama is going to observe the supreme law of America."

Brave words from Alabama—but we're from Missouri. It must be recognized that neither the decision of the Supreme Court nor Governor Graves' statement will solve the problem of making decisions like this superior to race prejudice. The names of negroes may be put in jury boxes, perhaps in this state too, but that by no means indicates that they will sit on rape cases involving members of their own race. There is no argument but that inclusion of negroes on such juries would, under present conditions, preclude the possibility of fair judgment.

We are inclined, therefore, to take this sudden elevation of the negro to the jury box with a double grain of salt, and to regard Governor Graves' utterance as a tongue-in-the cheek statement.

Negroes may be drawn for jury duty, in accordance with the law, but anyone who knows the South at all is aware that they will not be actually called upon to serve.

Neither legislation nor Supreme Court decision can change the local attitude.

WILMINGTON, N. C.
NEWS

APR 5 1935

TRIAL BY JURY

POSSIBLY the supreme court decision which threatens to send lots of appeals to Washington from southern states may be a blessing in disguise, since it may prove the motivating power in ending the obsolete jury system that afflicts the country. The decision in question held the rights of negro defendants infringed upon because members of their race were not permitted to serve on juries.

Despite the fact that historians hail the beginnings of the jury system as one of the great rights won by the masses, candor compels the admission that in recent years it has degenerated to a great extent. For this, there are several reasons. One is that lawyers are notorious for their dilatory tactics, and the business and professional man does his best, as a rule, to be excused when called for jury duty.

Even if he is unsuccessful in this, the business of picking a jury is more a game than than a procedure. Opposing attorneys do their best to get the twelve men they believe will return them a favorable verdict, or at least the twelve, they believe will be more inclined to look with favor on the issues they may present.

Predicting the outcome of a trial is the wildest of gambles since jury verdicts quite often result in bizarre findings that draw rebukes from presiding magistrates. Writing in the *News and Observer*, FRANK SMETHURST, in discussing this subject, cites an instance that is sometimes typical of our jury system:

"I recall a capital case tried in Wake County in which the foreman of the jury afterwards explained the device by which a secret ballot was taken, although some of the jurors could not read or write.

"He distributed among the jurors slips of paper, each folded three times. A perpendicular tear in the paper to the first fold, one-third the length of the paper, represented a vote of 'guilty.' A similar tear through the first fold and continuing to the second, or two-thirds the length of the slip, was a vote of 'not guilty.' The foreman, I recall, was quite proud of his ingenuity.

"Considering the difficulty that highly trained and experienced judges have in interpreting the written law in terms that will stand the scrutiny of the Supreme Court, it seems obvious to me that illiterates or near illiterates are utterly unsafe repositories of sure justice."

In those states where the criminally accused may waive a jury, there is usually an orderly routine of justice and certainly far fewer miscarriages than in those where the so-called "rights" of equality are upheld.

Charleston, S. C. News & Courier
April 4, 1935

But It "Fits In"

The "negro jury" decision of the United States supreme court will not be effectively applied until the destruction of state rights has gone a little further. For the time, only cases of national importance in which Southern negroes are convicted of crimes will be carried to that court on appeal. Ninety-nine in a hundred of the negroes are too poor for that recourse, and the Democratic administration in Washington will not risk offending Southern states while the white people are in complete control of them. The decision of the supreme court is no more than another of those occasional exhibitions of interference with the "race question" that have caused unnecessary irritation the last 105 years.

With the destruction or dwarfing of state government the political position of the negroes will rapidly improve. Three quarters of a million negro votes in Northern states are now counted, and they are courted in New York, Chicago, Indianapolis, St. Louis.

The national Democrats cannot expect the help of these negroes in the North without granting, on their account, political patronage and protection to Southern negroes. Ultimately, the negroes more than any other people in the United States have most to hope, politically, from the New Deal—the destruction of the power of the states being central in the New Deal program.

The attempt of the "Black Republicans" under the malignant leadership of Stevens, Morton, Stanton, Wade and their creature, General Grant, to destroy the South in the "Tragic Era" was frustrated because the integrity of the several states was still recognized by Northern men of the better kind. So the South confounded its enemies.

It is doubtful if another Southern uprising in the states would succeed in present conditions. The Southern whites could not easily be united against billions of dollars.

Ninety in a hundred Southerners are thinking of today. Tomorrow will come. The negro jury decision was not designed perhaps as part of the New Deal plan to blot out the states, but it "fits in."

Tifton, Ga. Gazette
April 4, 1935

MUST WE HAVE NEGRO JURORS?

The ruling of the United States Supreme Court in the infamous Scottsboro case from Alabama leaves open to contest practically every conviction of a negro in the South since reconstruction days.

The ruling of eight judges set aside the conviction of the negroes in Alabama on the ground that there were no negroes on the jury, nor on the grand jury which indicted them. The

case grew out of an attack on two white girls by seven negroes. It has been in the courts since 1932, and this is the second time the U. S. Supreme Court has set aside the verdict of the lower court on a technicality.

The procedure in Alabama, we suppose, is the same as it is in Georgia and other southern states. The names of negroes are not placed in the jury box by the jury commissioners for good and sufficient reasons. No negro of good, sound, common sense would want his name placed in the jury box, nor would he want to be drawn on a jury. We have heard tell of a negro serving on a jury, but we do not recall ever having seen one on a jury, and if there ever has been a negro's name in the jury box in Tift county, we do not recall it.

It seems that the U. S. supreme court is straining at a gnat in reversing the case on the grounds that negroes do not serve on the jury in that county where these negroes were convicted. If the decision is pursued, it will disrupt completely the trial by jury system in the South.

The Scottsboro reversal is unfotunate. Already the trials have cost the people of the county affected far more than they can afford to pay. The members of the U. S. supreme court should know why negroes are not selected for jury service in the South, and that rarely will one be found fit for jury service. The reversal and ruling is one which will encourage mob law, and that would seem to be the only means left for obtaining justice. By stressing this technicality, the court is defeating rather than serving the ends of justice.

Sylvester, Ga., Local
April 11, 1935

It now looks as though the southern states will have to change their method of selecting juries. In the case from Alabama the Supreme court held that negroes did not have a fair trial because there were no members of their own race on the jury. In order to comply with the mandate of the high court Gov. Graves has asked that negroes be drawn for service on all trial juries in Alabama. Georgia and other southern states where negroes are excluded from jury duty may have to follow the lead of Alabama. The question raised in the Alabama case had nothing to do with social equality. The question was simply that negroes are not to be excluded from jury service. Since the colored people have come over to the Democrats it ought no longer be considered social equality to permit at least a few of them to serve on the juries. The only colored man now serving in congress is a Democrat. In Chicago from whence he comes many of the city and county Democratic officials are colored. In Detroit, Mich., Jack Johnson, colored boxer, is one of the leaders in the Democratic party.

Madison, Ga., Madisonian
April 12, 1935

Negroes Must Be Held Eligible for Jury Duty

The recent decision of the United States Supreme Court has a direct bearing on the proper function of our courts of justice. The case came from Alabama in the famous Scotsboro trial of negroes for criminal assault against two girls. The supreme court did not make any new law but cleared up an old law, and means that in Alabama as well as Georgia and other states that the names of qualified negroes must appear in jury lists. That their names have not appeared in the past is because jury commissioners, it is presumed, have not regarded the negroes qualified by intelligence and character to sit on juries. A great number of white men are disqualified for the same reason, in the judgment of the jury commissioners. The supreme court has said that negroes must not be excluded from the jury lists if their names appear on the tax digests.

All of this grows out of the fourteenth amendment to the United States Constitution, which reads:

"No citizen possessing all other qualifications which are or may be prescribed by law, shall be disqualified for service as grand or petit juror in any court of the United States, or of any state, on account of race, color, or previous condition of servitude."

Many people regard the decision as a wicked stab at the white people of the south, but after all it may point to better justice for the negro race and make it more friendly to the law, which in its operations affects his life, liberty and happiness.

New York Evening Post
APR
NEGROES ON JURY UNLIKELY IN SOUTH

Had Right Since Reconstruction Days—Were Reluctant or Unfit

ATLANTA, April 6 (AP).—The effects of the United States Supreme Court decision in the Scottsboro case on the South's jury system were the subject of official conjecture today, but ia appeared scarcely probable the Negro would gain much advantage of his "right" to sit on juries.

The Supreme Court, in setting aside Alabam convictions in the Scottsboro cause celebre—wherein several Negro youths were tried for criminal assault—held that Negroes had been "systematically" excluded from jury rolls in Jackson and Morgan counties.

Since Reconstruction days Negroes have had the legal right to serve on Southern juries, but they generally have been reluctant to serve because of precedent or other influences. In many cases Negroes are not able to qualify as jurors.

Commenting on the action of Governor Bibb Graves of Alabama in calling for inclusion of Negroes' names in jury lists, Edwin R. McNeill, Chief Justice of the Oklahoma Supreme Court, said he had never found a Negro who wanted to serve.

Justice McNeill said it is not uncommon to get a Negro's name in a jury list. He added each side of legal actions has peremptory challenges to remove jurors without stating cause.

A Negro juror could not be compelled to serve if he did not wish to, the Oklahoman said.

Charleston, S. C. News & Courier
April 6, 1935

Negroes Not Barred From Local Juries

Have Served Within Last Two Years—Few Qualified Electors Here, However

Negroes have served on juries in Charleston county within the last two years, according to William H. Dunkin, clerk of court for Charleston county, who is one of the three jury commissioners for this county. Mr. Dunkin said that so far as he knows, there is no law which would prohibit negroes from serving on juries.

The presence of negroes on juries in Charleston county is not frequent, the reason advanced being that few negroes are qualified electors, which is a prerequisite to jury service. In many instances when negroes are drawn they are not allowed to serve because counsel for one or the other side objects to them. There is no law which regulates such objections.

In the United States district court negro jurors are met about as frequently as in the state courts, since the names are obtained in the same manner as the jurors for the state courts. In recent years several negroes have served as jurors in liquor cases.

It is true that jury commissioners have discretionary powers as to what names are placed in the boxes in South Carolina, but negroes are not barred from jury duty.

The other members of the jury commission, besides Mr. Dunkin, are William J. Leonard, county treasurer, and John C. Mehrtens, county auditor.

The setting aside by the supreme court of the United States of death sentences on two negroes, convicted in Alabama in the Scottsboro case, on the ground that negroes' names were systematically excluded from jury lists, has focused nationwide attention on the question. Governor Bibb Graves, of Alabama, has written all circuit judges and solicitors, calling their attention to the supreme court, saying its decisions are the law of the land, whether the decisions are liked or not.

COLUMBIA, S. C.
RECORD
APR 8 1935
NEGROES SERVE ON S. C. JURIES, DANIEL REPORTS

Attorney General Says S. C. Commissioners Are Given "Discretionary Power"

Commenting today on the United States supreme court decision in the Scottsboro, Ala., case in which death sentences against two negroes were set aside on the issue of the exclusion of negroes from juries in that state, Attorney General John M. Daniel pointed out that today negroes sit on juries in some counties of South Carolina.

The noted Scottsboro case which has aroused interest throughout the country resulted from allegations of criminal attack by a group of negroes upon two white girls. Fought throughout the courts it finally reached the nation's highest tribunal, which held that the absence of negroes from the jury should have resulted in the quashing of indictments against the two negroes on trial.

The appeal for the negroes was predicated on the basis that negroes were excluded from the jury "solel because of their race and color.'

Suc is not the case in South Carolina, according to the attorney general. Jury commissioners, he said, have discretionary power in this state in selecting jury panels. But negroes are not excluded from service as a class, he added, although "not many negroes are fitted for jury service." Daniel did not recall today any specific instances of negroes serving on juries in this state recently.

April 12, 1935

Negro Jurors in South

Following reversal of a court decision recently in the famous Scottsboro case because of alleged discrimination against Negro jurors it has been announced that Negroes will be summoned for jury duty in Alabama and also at Norfolk where a minimum of ten men from the city's outstanding Negro citizens will be placed on the jury list of each of the two corporation courts.

Juries - 1935

Asheville Citizen
April 12-1935

Winston county is not likely to be worried very much by adding the names of Negroes to the jury lists. There are few in the county that could qualify. Not many would want to sit on a jury as a rule.

Suffolk, Va., News-Herald
April 11, 1935

NO NEGROES ON JURIES THERE

A news item from Petersburg yesterday said the possibility of Negroes being listed for jury service either on trial or grand juries there this year is remote. Acting "according to the code," three commissioners have drawn the names of approximately five hundred persons to serve on trial juries during the year and the list does not contain the name of a single Negro. It seems singular, or it may be just a mere coincidence, that out of all that number of citizens the name of no Negro was drawn if there were any in the box. It seems incredible.

The judge of the hustings court has also drawn a list of forty-eight persons for the grand jury for the year, "under terms of the law governing the selection" of people for this purpose and this list also does not contain the names of any Negro residents of the Cockade City, although the population of that race is extremely heavy in Petersburg. We cannot help feeling that blacks are being kept off the jury list by design.

There is no law on the statute books of Virginia excluding Negroes from either grand or petit juries and so when they are kept off the list juries are not selected "according to law." In Suffolk, Portsmouth, Hampton, Norfolk and probably Newport News and Richmond Negroes are included in the jury lists, we believe. The city or county which excludes them because of race or color is likely to have some important verdicts upset by a higher court.

From a point in Virginia one day recently it was reported that "for the first time since Reconstruction days" Negroes will sit with whites on juries. This is in error, it appears to us, for back in the nineties when the state had the old Underwood constitution, repealed early in the first decade of the present century, Negroes served as jurymen.

By common consent they were excluded after the present basic law was proclaimed by the convention which drew it. It not only disfranchised thousands of voters under the old law but it also excluded blacks from jury service by a sort of unwritten law. Exclusion of members of the race from juries has made party primary laws in some states, including Virginia, null and void so far as preventing Negroes voting in them.

Asheville N. C. Citizen
April 19, 1935

Expect Negroes Will Be Drawn For Jury Service

Negroes will in all probability be drawn for grand and trial jury panels in Buncombe county in a few weeks—but whether any will actually serve remains to be seen.

Attorney-General A. A. F. Seawell has advised Solicitor Zeb V. Nettles that under the recent decision of the U. S. supreme court in the Scottsboro case, no conviction of a negro in the courts of the state can stand up if carried up in the federal courts until negroes are drawn for jury service.

Mr. Seawell's opinion is that the mere inclusion of negro freeholders names on slips in the box from which the jury lists are drawn is not enough to satisfy the 14th amendment to the constitution of the United States.

As a matter of fact the names of negro taxpayers are in the jury boxes in North Carolina counties, and occasionally one is drawn for jury service, but they are never called to serve.

But Mr. Seawell advised Mr. Nettles as follows:

"The opinion of the supreme court in the Scottsboro case went so far as to hold that the supreme court of the United States would examine into the evidence and factual situation, notwithstanding findings of the fact by the court below, where the matter affected the right of the petitioner under the Fourteenth amendment; and further, that evidence tending to show that negroes had not served on a jury for a long period of time would be sufficient to establish that they were excluded from jury service. The latter had not been held to be sufficient in our own courts.

"I am giving you the result of the Scottsboro opinion in rather non-legal terms, but the statement is substantially correct."

Under this interpretation, state courts in Virginia and Alabama have already ordered negroes to be actually drawn and summoned for jury service and in a Virginia county, a negro served last week on the grand jury.

However the possibility of negroes serving on trial juries in North Carolina even with the interpretation of the supreme court decision observed to the letter is believed remote.

In the first place, the number of negro freeholders is small and few would be drawn and the 12 peremptory challenges allowed counsel on either side of a case would always be sufficient to eliminate them.

In addition, Solicitor Nettles said yesterday plans were being considered to pass a bill through the legislature to give trial judges a wider power to excuse jurors without cause. This plan might prevent the inclusion of negroes on grand juries.

However, both Mr. Nettles and Chairman H. Grady Reagan of the county commission, are of the opinion that it will be necessary to begin drawing the names of negro freeholders for the regular jury panels, else it will be possible for negroes convicted of crimes in the courts here, to evade punishment if they can raise money enough to carry the case up on constitutional grounds.

commission, said the reason comparatively few Negroes serve on local juries is because so few of them can qualify for service.

"He said a juror either must own property or be a freeholder, having personal property with an assessed valuation of more than $45, and be the head of a home.

"Few Negroes have title to property or have personal property with sufficient assessed valuation," he added. "The jury commission, however, always is careful in examining lists of prospective jurors to accept the names of all qualified Negroes because so few are able to qualify.

"The names of Negroes frequently are drawn for Lake county jury serice and never have I known one to be barred who could qualify."

We are trying to convince ourselves that Mr. Drackert did not make this statement through mere biasness or prejudice, nor just a blanket statement through his hat. And we hate to feel that he, as jury commissioner, has not informed himself as to the correct status of Negro property owners in Lake county, Indiana.

Does Mr. Drackert not know that it is not only a matter of common knowledge, but a matter of record, that more Negroes own property in Lake county, Indiana, recorded in their own names with the taxes paid and not now delinquent, than it would take to fill the jury panels of all of the courts of record in Lake county, Indiana, at one time? Does he not also know that it is not necessary under our Indiana law, that a citizen shall own property recorded in his own name to be qualified to act as a juror in this county? And does he not also further know that it is not only a matter of common knowledge, but of record, that more Negroes in Lake county are paying taxes as shown by the assessment rolls and offices of the county taxing bodies, upon second-hand automobiles alone, assessed for more than $45, than would be required to furnish jurors for all of the courts of Lake county for more than a year? Will Mr. Drackert deny that the records of the country are true, which we think they are?

Does Mr. Drackert know that there has been serving in Lake county, Indiana, during this year, 1935, white jurors who did not have property recorded in their own name? If not we wonder where he was when these names were drawn by the jury commission.

As we begin to look over the list of qualifications for a juror in Lake county, Indiana, we also find that there are certain qualifications for a jury commissioner; and we are beginning to wonder just how Mr. Drackert's record meets these quali-

ANDERSON LETTER TO POST-TRIBUNE PRINTED IN FULL

American

Here's Complete Text of Answed to Drackert

4-12-35

Stating that his letter to The Post Tribune which appeared in the Tuesday edition had been deleted because of space requirements Atty. F Laurence Anderson has submitted to The American the full text of his missive answering George Drackert on the jury issue in Lake county.

The letter in full follows:

The Gary Post-Tribune:

We see by your paper of the 3rd inst., in which you commented on the Supreme court decision in the Scottsboro case, that you quoted a statement of the Hon. George Drackert of Hammond, Indiana, in his capacity as a member of the Lake County Jury commission. In this connection we wish to take exception to Mr. Drackert's statement, as set forth by you in your paper, which, if quoted correctly, is as follows:

"George Drackert of Hammond, member of the Lake county jury

ications. We would be glad to have you advise Mr. Drackert that if it is true that the State of Alabama denies its Negro population a right to jury service, (and by the way, the United States Supreme court says it does, and it must be true) that is not half so unfair as it is to Lake county's Negro population to have Mr. Drackert inform 12 million Negroes in the United States and in the many islands of the sea, through the columns of a newspaper whose circulation is as wide as that of The Gary Post-Tribune, that 22 thousand Negroes in Lake county, Indiana, are unable to qualify for jury service, except as shown by his statements and the records of Lake county, Indiana. The whole world is now laughing at us, Mr. Drackert.

This writer has practiced law in Lake county, Indiana, for more than 10 years, and is familiar with all of the courts in Lake county, Indiana, and somewhere in our offices some of us have a record of all of the Negroes who have served on jury in the courts of Lake county during the last 10 years. And with all respects to those who have served and of whom we are proud we must add that there is a considerable number of Negroes who have never been called to jury service, whose qualifications were and are far superior to many of those who were called.

This writer admits that he has never known Mr. Drackert, aside from his name in the Post-Tribune and in connection with the jury commission, believe it or not, and upon a careful search has not been able to find many people who do know him. So that personally we are not concerned with what he may say, as we have enough else to do to give the statement any attention; but collectively, we do take exceptions. Negroes in Lake county are wondering why it is necessary for Lake county to explain anything in regard to Negro jurors in Lake county. So far as we know, no one has ever charged Lake county with denying jury service to Negroes, but since Mr. Drackert has raised the issue, it might be well to advise him that we are not aware of the time when more than three Negroes have been placed in the jury box at one time. And that under Indiana law, lawyers are permitted to challenge peremptorily as many as three jurors. Then, if some lawyer, who may wish to take advantage of race prejudice, wishes to do so, he can exercise all of his three peremptory challenges at one time, thus leaving a complete white jury. Will Mr. Commissioner take note of this when he goes to draw his next jury panel?

It is also noted that you quoted Judge Murray of the Lake Criminal court. We wish here to confirm Judge Murray's statement. We have found that his court is one of the courts in Lake county, Indiana, that is just, as he says it is, and in which we have no reason to feel that we would not get a fair and impartial trial even though the law and facts are sometimes against us. It would be very much appreciated by the Negro citizenry of Lake county, Indiana, if and when it becomes necessary to get information through sources outside of their group, to call on such men as Judge Murray, or some other good official of his type and caliber, who is not only correctly informed about the Negro group in Lake county, Indiana, but who has been found to be big enough to speak out the facts truthfully as they are known and shown of record.

If you will kindly give this note the same publicity and in the same column, which you gave Mr. Drackert's statement of your newspaper it will be very much appreciated by your 22 thousand Negro population in Lake County, Indiana.

Yours truly,
F. LAURENCE ANDERSON,
For and on behalf of 22 thousand Negroes of Lake County, Indiana.

Lily-White Juries Get New Set-Back in Va.

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Norfolk jury commissioners added the names of forty-two men to a list of 2,400 eligible for duty in the two corporation courts of that city.

State Courts Queried On Negro Jurors

NEWNAN, Ga., April 27.—(AP)—Judge W. L. Stallings of the city court of Newnan said today he had sent queries to several Georgia cities as to whether negroes are included in grand jury and petit jury lists, in view of the recent decision of United States supreme court in the Scottsboro case from Alabama.

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"They advised me in Clarke county that negroes were included in jury lists about 35 years ago, but that they had not been included recently," Judge Stallings said.

He said jury commissioners in this (Coweta) county had not considered the question yet, and would not meet until the first Monday in August.

Durham, N. C. Herald
April 4, 1935

LEGALLY AND POLITICALLY

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Legally speaking, and that is the way courts are supposed to speak, the decision of the United States supreme court holding that Negroes can not be excluded from jury panels is in no way related to a decision by the same court that political parties may, in their discretion, exclude Negroes as members and bar them from voting in party primaries. The two questions of law presented were distinctly different and the court considered them separately. But the effect of the two decisions is related and the two controversies that precipitated the two decisions originated in the same general atmosphere and developed out of the same background. And that means that politically the two decisions are very much related.

The decision with respect to juries and Negroes came out of the famous Scottsboro case. The decision with respect to Negroes and the prerogatives of political parties came out of a move of the Democratic party in Texas to bar Negroes from Democratic primaries and party membership.

It has long been the practice in southern states not to leave the names of Negroes in jury panels. No one acquainted with the fundamentals of the law has ever seriously contended that the practice was exactly according to Hoyle but it required the ugliness of the Scottsboro case to get the question before the highest court. It decided as most lawyers anticipated it would decide and while the decision does not necessarily mean that henceforth all jury panels will include Negroes it probably does mean a temporary dislocation of the established custom that had no foundation in law but worked reasonably well.

It has long been the practice of southern politicians to run their party primaries to suit themselves and only rarely have they resorted to law to keep Negroes out of primaries or outside of party membership. Rather the custom has been, and still is in most areas, to turn the nominating of candidates over to a select few and at election time welcome the Negroes to come in and vote, provided, of course, "they voted right."

In time the two decisions, parallel in political effect but unrelated as to law, may help to improve our brand of court room justice for the Negro and lift the level of party politics. Unless the Negro evidences a penetrating understanding of the two developments the immediate results are likely to be decidedly of the opposite character. And it should be added that the white man also, perhaps to a greater extent than his Negro neighbor, is obligated to judiciously implement the reforms the court has decreed and sanctioned.

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It is not possible to calculate the good or the bad the reiteration of the Negro's citizenship rights portends. Much depends, we are persuaded, upon the immediate behavior of those on each side of the color line. It is conceivable, for instance, that some smart alec of a lawyer might decide to seize upon the decision in the Scottsboro case in a senseless attempt to tear prison sentences from all Negroes convicted by lily-white juries. It is conceivable, too, that some equally as irresponsible group might decide to exhibit smartness by inventing a new way to get around the constitution and the court's interpretation thereof as pertains to the Negro and jury service.

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GREENVILLE, S. C. NEWS

APR 25 1935

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Juries-1935

Texans Accept First Negro Man As Juror

Wilson, N. C., Wkly. Times
May 17, 1935

HOUSTON, Tex., May 10. (Continental Press)—Another new day was written in the history of the Race here Tuesday as relates to his participation in the court when attorneys defending Isaac Jones, charged with murder of R. H. (Rimp) Sullivan, chauffeur for Mayor Oscar Holcombe, declined to follow the precedent in agreeing to excuse all Race men in the special venire.

When Grover T. Thompson, 3415 Market, second venireman in the Jones case was called, Judge Langston King inquired of defense counsellors, William Glover and John M. Mathis, Sr., as to their wishes in the case.

Said Judge King, "Gentlemen, this man is a Negro. Do you excuse him?"

Attorney Mathis replied, "No, your honor," in a firm tone.

Under questioning as to scruples and fixed ideas about the death punishment or capital punishment, Thompson declared he was opposed to capital punishment and he was accordingly excused "for cause."

The state was forced to exercise one of its peremptory challenges to dispose of another man who was called following Thompson. He declined to disqualify himself under questioning by the States' attorneys.

Heretofore local courts have included "Negroes" in the jury wheel from which the venires were called, but it has been customary for the prosecuting attorneys and defense attorneys as well to excuse them when so called "by agreement."

NEGROES ARE NOT EXPECTED TO EVER SERVE ON JURIES

Times Bureau,
Sir Walter Hotel.

Raleigh, May 15—No negro is ever likely to serve on a jury in North Carolina, in spite of the recent decision of the U. S. Supreme Court in the Scottsboro case in Alabama, according to opinion here. For the session of the general assembly which adjourned only a few days ago enacted a law which in no way referred to the Scottsboro case or to service of negroes on juries which is expected will effectually remove the possibility of a negro ever being left on a jury even if several should be drawn for jury duty.

All this law does is to increase the number of peremptory challanges which the state may have from four to six, which means that in addition to the number of jurors which may be dismissed by either the state or the other side for cause, the state will now have six peremptory challenges with which it may dismiss jurors without cause. Thus if as many as six negro jurors should be drawn for jury duty and be able to qualify in every other way, the state could dismiss all six of these jurors without cause. Nor is this law or practice in any way contrary to the Federal constitution, since white jurors as well as colored jurors may be dismissed without cause under peremptory challenges.

The state does expect to, conform with the decision of the U. S. Supreme Court and see to it that the names of negro property owners are put on the jury lists so that negro property owners who have paid their taxes up to date and who are otherwise qualified may be drawn for jury duty. It is not expected, however, that a very large number of negroes will be able to qualify for jury duty and of these it is expected that only a very few will ever be summoned for jury duty. If and when they are called for jury duty, it will be possible to eliminate most of them with direct challenges, it is also agreed. But if one or two manage to get by all the direct challenges, the state will still have left the six peremptory challenges which this new law has given to meet such an emergency. Heretofore the state had only four peremptory challenges.

[illegible] & Courier
May [illegible]

The Negro Jury Decisions

The supreme court of the United States in an Oklahoma case has affirmed the Scottsboro decision that negroes must not be excluded from juries, and The Boston Transcript is moved to say that "the change is welcomed by thinking whites in the Southern states," that with the passage of time, the spread of education, the success of negroes in business and professional life, their achievements in the arts and literature, it is demonstrated that many of them are capable of passing the tests of character and intelligence which are met by white jurors. That, in South Carolina, is hardly true—unless by "many" are meant as few as 5,000 or 10,000 among 200,000 male adults. Were 100,000 negroes able to meet the tests of character and intelligence that white men in their various activities meet, exclusion of negroes from juries and from voting long ago would have ceased. Indeed, they are not excluded from voting. Three fourths of the negroes are literate. Excluded from the white primaries, why do they not hold their own primaries? A "hopeless minority"? Democrats in Vermont are a minority, they have not carried the state in a century if ever, but they vote, they maintain their party organization, and they are strong enough to keep the Republicans watching.

The Transcript should know that if 45 or 30 per cent of a population can meet the tests applied to the remaining 55 per cent it cannot be "suppressed." Were these Southern negroes, the masses of them, politically capable, they would have demonstrated it long ago. They have been free seventy years. What is to be expected from a population excluded from the white party that is content with such an organization as "Tieless Joe" Tolbert's gang, existing solely for the driblets of federal patronage and numbering scarcely 2,000—an organization that has never tried to grow lest the jobs would not so nearly go around?

Had the negroes thirty-five years ago formed a negro party, developed skillful, wise, courageous leadership, and maintained it, as minority white parties have in many states, they would have compelled attention and might have won recognition.

One thing that remains undemonstrated is that the negroes, left to themselves, without the guidance and guardianship of white men, have capacity for political activities. The white leadership that offers itself to them is nearly always depraved and degraded—and nearly always the negroes have accepted it.

The tests for jury service applied in this state are fairly high—much higher than for voting in primaries. While our juries sometimes find foolish verdicts, our guess is that they will "class up" with those of Massachusetts. We think that the tests should be severer—and the negro jury decision may, in time, bring that about.

Exclusion from the juries and the polls has not hurt the negroes. They receive essential justice, and if they are sometimes oppressed the leniency shown them more than offsets it. They do not know and will not believe that, but it is so. White juries in 95 per cent of the cases are just in verdicts involving negroes and the judges invariably try to protect them.

What ails the South is the non-exclusion of too many whites. Voting requirements are shamefully lax and loose. The South has suffered the last seventy years from a complaint called "democracy" (small "d") caught from the North—and it is threatening the North with ruin now, even Boston.

Naming of Negroes for Jury Duty Up to Commissioners, Says Judge

CARROLLTON, Ga., May 17.—(AP) The selecting of negroes' names for jury duty in Georgia, a question brought to the fore by the recent supreme court decision in the Scottsboro, Ala., case, is one for jury commissioners in each county to decide, Judge W. L. Stallings, of Coweta, Ga., said here tonight.

Judge Stallings reviewed the matter in an address before the annual meeting of the Coweta Circuit Bar Association. 5-18-35

The supreme court ruled that a prima facie case of denial of equal protection guaranteed by the Fourteenth Amendment had been made out because names of qualified negroes had not been added to Alabama jury rolls when a defendant in the Scottsboro cases were tried.

Atlanta, Ga.

The selection of negroes for possible jury duty in Georgia is one for settlement by the jury commissioners of each county, Judge Stallings said.

"It may be a long time," he added, "before a case in Georgia is carried to the supreme court of the United States for a decision of this question."

He cited the Georgia law as to jury selection and quoted this section:

"'The jury commissioners shall select from the books of the tax receiver, upright and intelligent men to serve as jurors. They shall select from these a sufficient number, not exceeding two-fifths of the whole number of the most experienced, intelligent, and upright men to serve as grand jurors.'"

"The law, as you see," Judge Stallings commented, "puts the burden of this selection upon the jury commissioners in each county in this state.

"It is a question which will demand careful and straight thinking on the part of the jury commissioners and the people in this state. Only a few of the counties in Georgia have negroes in their jury boxes. Richmond and Chatham have them and have had them for a long time in their petit jury boxes."

Judge Stallings said the question was not a new one nor one confined to the south.

"Cases have been passed on by the supreme court from West Virginia, Delaware, Mississippi, Texas and possibly other states," the judge asserted.

Greensboro, N. C., News
May 20, 1935

WILL COME IN BY DEGREES

Negroes in limited numbers are being summoned for jury service in North Carolina to avoid conflict with the decision of the Supreme court of the United States, which held that their systematic exclusion from jury service invalidates the conviction of a negro. That does not mean, however, that negroes summoned for jury service must be accepted. They may be rejected as white jurors may be rejected, so long as the rejection is so managed that it does not appear to be on account of the color of the skin.

A story under a Raleigh date line mentions the increase of the number of peremptory challenges allowed the state—from four to six, the increase to give the prosecution a fairer chance in jury selection and without reference to the high court decision as to negroes and jury service, and estimates that the peremptory challenges and the other causes by which prospective jurors may be stood aside will work to the exclusion of all negroes from jury service, under entirely lawful procedure. It could and it will for a time, probably. But after the public becomes accustomed to seeing negroes appear in the jury panel and after the prejudice has been modified, as it will be with the passing of time, all negroes will not be excluded for cause simply because of race. Lawyers who pick jurors accept such as they believe will be favorable to their side of the proposition. Just as soon as they are convinced that accepting a negro juror who is believed to be favorable will not work to the injury of their side by reason of his color, the negro will be accepted as whites are—because of his possible attitude in the case. Also the regular practice of excluding negroes called for jury service in all cases in which they are offfered and their systematic exclusion from the grand jury, for instance, would mean that they were being as systematically excluded as if they were not drawn. Eventually that might draw another high court decision.

It is well that the regulations permit negroes summoned for jury service being excused under the same rules that permit excusing, or rejecting, white jurors. Better that it is that way until whites get accustomed to the change. Then occasionally one will be accepted because he suits the side accepting him—is believed to be good material—or because excuses for rejecting may have all been used. It will work out after the edge of prejudice has been dulled by custom.

R. R. CLARK.

Smithfield, N. C. Herald
May 17, 1935

RULES ON NEGRO JURY

The Supreme court ruled on Monday that negroes may not be excluded from juries, but failed to hand down rulings on two other much disputed laws—NRA and the Frazier-Lemke farm mortgage moratorium. The court announced that it would deliver decisions on the next two Mondays in May and the first Monday in June, and on any of these days it may determine the constitutionality of these two laws. In the session last Monday, the court set aside a death sentence imposed on an Oklahoma negro convicted of criminal assault on a white woman on the grounds that "negroes for a long period had been excluded from jury service in that county solely on account of their race or color and that this discrimination had deprived the petitioner of equal protection of the laws in violation of the constitution of the United States.

Rocky Mount, N. C., Telegram
May 15, 1935

LITTLE CHANGE IN N. C. JURIES SEEN

Negroes Not Expected to Ever Serve on Juries in State Despite Ruling

Evening Telegram Bureau,
Sir Walter Hotel.

Raleigh, May 15.—No Negro is ever likely to serve on a jury in North Carolina, in spite of the recent decision of the U. S. Supreme Court in the Scottsboro case in Alabama, according to opinion here. For the session of the general assembly which adjourned only a few days ago enacted a law which in no way referred to the Scottsboro case or to service of Negroes on juries which is expected will effectually remove the possibility of a Negro ever being left on a jury even if several should be drawn for jury duty.

All this law does is to increase the number of preemptory challenges which the state may have from four to six, which means that in addition to the number of jurors which may be dismissed by either the state or the other side for cause, the state will now have six preemptory challenges with which it may dismiss jurors without cause. Thus if as many as six negro jurors should be drawn for jury duty and be able to qualify in every other way, the state could dismiss all six of these jurors without cause. Nor is this law or practice in any way contrary to the Federal constitution, since white jurors as well as colored jurors may be dismissed without cause under preemptory challenges.

The state does expect to conform with the decision of the U. S. supreme court and see to it that the names of Negro property owners are put on the jury lists so that Negro property owners who have paid their taxes up to date and who are otherwise qualified may be drawn for jury duty. It is not expected, however, that a very large number of Negroes will be able to qualify for jury duty and of these it is expected that only a very few will ever be summoned for jury duty. If and when they are called for jury duty, it will be possible to eliminate most of them with direct challenges, it is also agreed. But if one or two manage to get by all the direct challenges, the state will still have left the six preemptory challenges which this new law has given to meet such an emergency. Heretofore the state had only four preemptory challenges.

Hickory, N. C., Record
May 15, 1935

No Negro Likely To Serve On Jury; New Law Cited

RALEIGH, May 15.—No negro is ever likely to serve on a jury in North Carolina, in spite of the recent decision of the U. S. Supreme Court in the Scottsboro case in Alabama, according to opinion here. For the session of the general assembly which adjourned only a few days ago enacted a law which in no way referred to the Scottsboro case or to service of negroes on juries which is expected will effectually remove the possibility of a negro ever being on a jury even if several should be drawn for jury duty.

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Statesville, N. C., Daily
May 17, 1935

Court Rules On Negro Jury Issue

Death Sentence of Oklahoma Negro Set Aside On Ground Negroes Are Excluded From Juries In State.

Washington, May 14.—The Supreme court pounded home anew yesterday its fiat that negroes may not be excluded from juries, but failed to rule on two controverted laws—NRA and the farm mortgage moratorium.

In a 20-minute session, the high tribunal set aside a death sentence imposed on Jess Hollins, Oklahoma negro convicted of criminal assault on a white woman, ruled on four other minor cases and granted two of 19 petitions for review.

Decision Days Announced.

Then the court announced it would deliver decisions on the next two Mondays of May and the first Monday of June. On any of these days it may determine the constitutionality of the Frazier-Lemke farm mortgage law and rule on basic features of NRA as challenged in the Schechter live poultry case from Brooklyn, N. Y. Rulings on these and 17 other cases were considered certain before the summer recess.

Chief Justice Hughes delivered the blunt, 170-word unanimous decision in the Hollins appeal from Okmulgee county, Oklahoma. It sent the case back for further proceedings. This will mean a new trial.

Cites Scottsboro Decision.

Hughes cited directly the court's recent Scottsboro (Ala.) opinion setting aside a death sentence imposed on Clarence Norris for alleged attack on a white woman on grounds that Norris had been deprived of constitutional rights because negroes had been excluded from jury service.

The chief justice said Hollins had "challenged the jury panel upon the ground that negroes for a long period had been excluded from jury service in that county solely on account of their race or color and that this discrimination had deprived petitioner of equal protection of the laws in violation of the constitution of the United States."

On the basis of this plea and an examination of evidence, the court returned the case for proceedings consistent with the Scottsboro ruling.

Lincoln [illegible] Times
May 20, 1935

Judge Orders 3 Negroes Drawn On Juror's List

Wentworth, N. C., May 18.—Rockingham county jury commissioners today drew a special venire of 25 talesmen, including at least three negroes by special instruction of Judge J. Will Pless, for the trial of Joe Raymond Martin, a negro charged with criminal assault.

The number of negroes was fixed in proportion to the estimated ratio between white and negro citizens in the county.

Judge Pless' decision was made in view of the U. S. Supreme court's recent decision in the Scottsboro case.

Juries — 1935

EDITORIALS

When Justice Confronts The Racial Test

MOST Southern jurists, prosecuting attorneys and court officials grow indignant when some one raises a protest against the quality of justice Negroes receive in their courts. Their indignation may be righteous, but as a whole the weight of testimony is against the courts. There are, of course, many exceptions. There are frequently exceptions in the same community.

Judges HORTON and CALLAHAN of Alabama, who presided over the second and third trials of the Scottsboro defendants, present an interesting study in contrasts. Judge HORTON affords an equally interesting study in what happens to a jurist politically when he puts just administration of law and a high conception of the humanities above political expediency.

For the sake of being polite and agreeable Negroes who know that justice for them is more often than not a mockery when the issue is white against black, do not argue the question nor press it unduly. They do not have to prove their case to an unbiased, truth-loving world, if there is any. Frequently events take the stand before a world court of public opinion and prove their case for them.

If any evidence was needed to show that the rule, and not the exception, is violent disregard of law, of decency, of elemental justice in the trial of issues between white and black, it was furnished by the recent North Carolina prison camp case tried at Charlotte.

Any one may submit that case without argument to any enlightened tribunal of public opinion with the assurance that the verdict will be against North Carolina justice, as represented by the Charlotte court.

The Charlotte case is typical, not only of the existing fact that a colored man's person and property have no protection under the law when a white person wishes to do violence to them, but it is typical of the demonstrated experience that those in charge of Southern penal systems make them more than instruments for withdrawing and withholding Negroes accused and convicted of crime from circulation in society. It substantiates the oft-repeated charge that the system as operated is an instrument of torture to fulfil two purposes: (1) to satisfy the sadistic nature of the subalterns in charge of the prisoners, and (2) to terrorize the unfortunate victims and fill them with a fear that will follow them all of their lives. There is no idea, no plan, no thought of human reclamation in the system.

EXAMINE the ghastly record of the Charlotte case and it is difficult to make it conform to any level of decent court procedure, of legal honesty, of any real desire to punish any of the indicted men for one of the most ghoulish pieces of malpractice and malfeasance ever brought to public scrutiny out of the foul depths of the blood-stained Southern prison camp system.

The camp superintendent, who was indicted after a legislative investigation started by a Charlotte newspaper man, for causing two prisoners' feet to freeze and rot while chained in solitary confinement, and who was acquitted along with others indicted for the same offense, testified that the disciplinary tactics employed by him were "the most inhuman thing" that he could imagine, but that *he received his orders from higher penal authorities*, and that he had no alternative. If carrying out his orders from his superiors meant that mere boys sent to his prison camp "hell" for misdemeanors had to be chained in a standing position in ice cold brick and concrete cells until their feet froze and became gangrenous, and others chained in that position died of heart failure while under the observation of the camp physician, he conceived that his duty was to carry out his orders and not to tell his superiors that this kind of treatment of prisoners was cruel and inhuman torture.

* * * *

THE astonishing thing about the case is not that it revealed such a callous prison camp superintendent, but that it revealed a callous court. If any Negro in North Carolina can look that court in the face and feel any sense of security in life or property; if he can work himself up to any degree of respect for law as administered in this instance he is indeed an optimistic person. If he feels that in any controversy with a white person he has a chance to get a fair hearing and just adjudication of his side of the controversy he deceives himself.

Despite the two human exhibits with their gruesome stubs where once were feet, and the long array of witnesses who testified to the tortures perpetrated upon prisoners by the defendants, the judge on the bench peremptorily dismissed the serious charges and reduced them to misdemeanors. An obliging jury took care of the rest.

* * * *

THE prison system has its roots in politics. Linking of State highway and prison systems is ominous of political corruption, of political machine underwriting. The prison boss is a petty retainer of the county politicial boss. The prison physician is the same. He is usually a medical lame duck, who has more political acumen than professional sense. The judge and the solicitors are elected to office by this outfit. Their political fortunes and ambitions loom higher than their conception of the humanities, when Negroes are involved.

Until Negroes in the South form a respectable political minority that can combine its strength when necessary with the socially-minded white people who do not approve of the "system" but who can do nothing about it, we shall continue to have atrocities committed in the name of the State, like those that occurred at Charlotte.

What occurred at Charlotte is merely an example of what frequently occurs in all of the Southern penal systems, without objection, without protest and without interference from those who are the political beneficiaries of the system itself.

TWO NEGROES SERVING ON CAROLINA GRAND JURY

GREENSBORO, N. C., July 30. David Gunn and John Gilmer, negroes, were serving as members of the Guilford County Grand Jury today, the first time in modern history that negroes have served on juries here.

They were drawn yesterday when the jury for the six months period was selected and were the only two negroes included in a list of 48.

ADVERTISER, MONTGOMERY, ALA.
7-31-35

Bronx, N.Y. Home News

SEP 4

Colored Barber Is Georgia Grand Juror

C. A. Faison, of Atlanta, Ga., a colored barber, took his seat yesterday on the Fulton County Grand Jury. Veteran court attaches said it was the first time in their memory that a colored man had served on the Grand Jury. Federal Court juries and occasionally petit juries have colored men as jurors, it was recalled.

New York Herald-Tribune

SEP

Negro on Atlanta Grand Jury

First to Serve in Memory of Veteran Court Attaches

ATLANTA, Sept. 3 (AP).—A Negro served on the Fulton County Grand Jury today, for the first time in the memory of veteran court attaches.

Listed in court records as C. A. Faison, the Negro took a seat between two white jurors, as Juror No. 7. He retired into the grand jury room for organization of the body and returned to hear with the others the charge of Judge Virlyn B. Moore. Faison is a barber shop proprietor, court officials said.

Negroes have frequently served on Federal Court juries and occasionally on petit juries here.

Negroes Attack Jury Exclusion

Macon Telegraph

Habeas Corpus Petition Puts Issue in U. S. Court

8-21-35

ATLANTA, Ga., Aug. 20. (AP)—The habeas corpus petition of a Negro prisoner seeking freedom under a contention that members of his race were barred from jury service in the state court in which he was convicted will be heard in federal district court here Thursday.

Drawn against H. M. Isbel as warden of the Georgia state penitentiary for Polk county, where the Negro, Buddy Knox, is held, the petition charges that because Negroes did not serve on the jury his conviction is "deprivation of liberty without due process of law."

In the petition, George Knox, the defendant's father, says his son was indicted by a Chattooga county grand jury from which Negroes were "systematically excluded" and that he was convicted by a pettit jury drawn from a box that contained the names of no Negroes.

URBAN LEAGUE WEEKLY BULLETIN

By JESSE O. THOMAS.

Among the members of the September and October grand jury who were sworn in by Superior Judge Virilyn E. Moore, on September 3, was a colored man by the name of Charles A. Faison.

This is the first time, so far as available records show, that a negro has been asked to serve on the Fulton county grand jury.

For more than forty years, Jury-man Faison has been identified with various negro business, professional, fraternal and educational enterprises. He was associated with the late Alonzo F. Herndon in the conduct of the barber shop located on Peachtree and Broad streets. He is one of the officers of the Atlanta Life Insurance Company, a prominent Masson and for a number of years was a member of the official board of the Liberty Baptist church.

Some negro has served practically every year for a number of years as member of the federal grand jury. Negroes, however, have been effectively eliminated from the county grand jury and the petit jury in Atlanta and in Fulton county, as well as throughout the southern states. Whether this inclusion of this negro negro citizen on the grand jury is a "back wash" from the decision of the supreme court invalidating the verdict imposed upon the two Scottsboro boys because negroes were excluded from jury service in the county and state where they were tried and convicted on the grounds of race, or whether it represents a progressive step in the civil consideration of negroes on the part of the city fathers of Atlanta, we make bold this suggestion that the conduct of this negro member of the grand jury will convince those associated with him, as well as all those who have the privilege of observing his conduct, that no mistake has been made in giving the negro the consideration guaranteed him under the constitution of the United States and under several member states.

Just as the negro has responded to the extent of his capacity and opportunity when he has been called upon to serve his state or country in war and in the various peacetime pursuits with distinction and honor, he will likewise reflect credit upon himself and his community as a juror.

It will be well for those who have to do with the selection of panels for jury service to realize that there are scores of other negroes in Atlanta who would make equally as competent and their services as acceptable, as the one now under consideration.

We shall have made a good deal of progress when we come to the point where the normal procedure will be followed where negroes are concerned, so that when any legitimate consideration is given negroes on the basis of citizenship there will occasion no dramatics or demonstration.

This single act will go farther toward interracial goodwill and enhance the negro's respect and love for his city and state than a dozen interracial meetings and well-written resolutions, or pages of editorial comments. We congratulate the city of Atlanta and felicitate ourselves.

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TWO NEGROES CHOSEN ON TENNESSEE JURY

JACKSON, Tenn., Sept. 23.—(AP)—Two negroes were chosen for service on the trial jury as United States district court for the western division of Tennessee got under way here today with Judge John D. Martin, of Memphis presiding.

Local members of the bar said it was the first time negroes had been qualified for federal court service here.

The two selected were J. W. Lane, retired mail carrier, and George W. Greer, farmer. They will serve on the petit, or trial jury.

Race Man Is Put On Ga. Grand Jury

ATLANTA, Ga., Sept. 22.—For the first time in the memory of veteran Georgia court attaches a Race man has served on the Fulton county grand jury, local white newspapers reported this week.

C. A. Faison, "took a seat between two white jurors, as juror No. 7. He retired into the grand jury room for organization of the body and returned to hear, with the others, the charge of Judge Virlyn B. Moore," it was stated.

The continued mass demand for the seating of the Race people on Southern juries is having its increasing effect in various parts of the South. So far this pressure has been answered by hand picking single Race jurors on occasional juries.

The placing of Faison on the jury is said to be a gesture by the city officials as a result of the sharp attack on Georgia's lily-white jury system in the Angelo Herndon case.

Forsyth, Ga., Advertiser
September 12, 1935

Negroes Attack Jury Exclusion in Georgia

The habeas corpus petition of a Negro prisoner seeking freedom under a contention that members of his race were barred from jury service in the state court in which he was convicted was heard recently in federal district court in Atlanta.

Drawn against H. M. Isbel as warden of the Georgia state penitentiary for Polk county, where the Negro, Buddy Knox, is held, the petition charges that because Negroes did not serve on the jury his conviction is "deprivation of liberty without due process of law."

In the petition, George Knox, the defendant's father, says his son was indicted by a Chattooga county grand jury from which Negroes were "systematically excluded" and that he was convicted by a petit jury drawn from a box that contained the names of no Negroes.

Negro On Jury In Md. First Time Since 1868

SALISBURY, Md. — The current session of court here saw a Negro serving on a jury for the first time since Wicomico County was established in 1868.

The juror, Robert W. Jones, was a member of a jury hearing a case involving suit for injuries inflicted on two Negro children by a truck. The jury found for the plaintiff.

Alleged Absence Of Negroes On Jury List Cited

DOTHAN, ALA., Sept. 27.—(Special)—Asserting that negroes are "systematically excluded" from jury duty in Houston County, N. Frank Prodgen and Lawrence Oakley, attorneys for K. C. Stanford, negro defendant in a first degree murder case, filed a motion to quash the indictment when Stanford was arraigned before Judge D. C. Halstead of Circuit Court today.

Judge Halstead, who had appointed the young lawyers to defend the negro neither ruled on the motion nor set date for a hearing.

The motion was filed on two specific grounds:

One: That the defendant is a negro and that the names of no negroes were on the Grand Jury list from which was drawn the panel which indicted Stanford.

Two: The "negroes or persons of African descent were systematically excluded from the Grand Jury list from which the names of the grand jurors were drawn to constitute the Grand Jury which returned the indictment against the defendant."

It was the first motion of the kind ever entered in the Houston Circuit Court. A similar pleas has been made in a Mobile case. Stanford was indicted at the July term for killing another negro, Lester C. Holden, but had fled to Plant City, Fla., whence he was returned.

Houston jury rolls were revised at the instance of Gov. Graves following the U. S. Supreme Court decision in the Scottsboro case upsetting the convictions in that case on the grounds negroes had been "systematically excluded" from the Morgan County jury rolls for grand and petit juries.

Two negroes were summoned here for jury duty with the current term but process servers reported they were unable to locate them. Four of the five defendants in capital cases are negroes.

CHOSEN NEGRO JURYMAN

For the first time in the history of that city, a colored man was called upon to serve on the grand jury in South Bend.

Thus, this up-state Hoosier city has gone on record as having taken its place among America's most progressive ones.

The action, not only is commendable but it is an example worthwhile being copied by every city in Indiana, including our own Indianapolis.

We are righteously clamoring everywhere for a greater measure of representation in all branches of the government of our great country.

All citizens, whether yellow, white or black, have every right to aspire to share in the conduct of the affairs of government; participate in the work of making of the United States a happier place in which to live. It must so be if our Democracy is to continue uninterruptedly to practices what it preaches.

The South Bend action is a gesture in this direction, and properly so.

Negro Chosen To Serve On Jury At Knoxville

KNOXVILLE, TENN., Sept. 24.—(AP)—A negro was chosen as a juror in Knox County Criminal Court today to try Elmer Barrett, negro, on a charge of slaying William Hardwick, negro grocer.

Court officials said it was the first time in Criminal Court history here that a negro has been on a jury in a first degree murder case.

The negro juror is Sam H. Toole, a former school teacher.

Three negroes were accepted on the regular panel at the opening of the court term, as a trial juror and two as grand jurors.

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Local members of the bar said it was the first time negroes had been qualified for federal court service here.

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Juries - 1935

Clark's Comment

SYSTEMATIC EXCLUSION ON ACCOUNT OF RACE.

There is no question as to the constitutional principle that one may not be barred from jury service, or from any of the rights of citizenship for which he is qualified, solely because of his race or color. That is so well established that it is no longer brought into the argument and it was not the issue in the Alabama case which the Supreme court of the United States has just decided. The court long ago held in these words:

Whenever by any action of a state, whether through its legislature, through its courts, or through its executive or administrative officers, all persons of the African race are excluded, solely because of their race or color, from serving as grand jurors in the criminal prosecution of a person of the African race, the equal protection of the laws is denied to him, contrary to the 14th amendment of the constitution of the United States.

The same would apply to members of any race where the exclusion was on racial grounds and it applies to petit juries as well as to grand juries. The Supreme court has also held that the fact that negroes may not be members of grand juries and trial juries that indict and convict negroes does not of itself render the conviction invalid. It is the arbitrary and systematic exclusion from jury service on account of race or color that counts. That was the issue in the Alabama case. It was contended in behalf of Clarence Norris and Haywood Patterson, two of the seven negroes previously convicted of assaults on white women in the famous Scottsboro case, that negroes were arbitrarily and systematically excluded from jury service in Jackson and Morgan counties, Alabama, the counties in which they were indicted and tried, respectively. The Supreme court found from the evidence that the allegation as to racial discrimination was true, which invalidated the trial. The question of guilt was not an issue. That remains to be determined. If the Alabama courts proceed to another trial in which negroes are not excluded from juries for racial reasons and the defendants should be found guilty, they will have no claim on the high court for further aid.

What the Supreme court holds was established in Alabama could be found in most counties in the southern states. Negroes are not, of course, excluded from juries by legislative act or executive or judicial order. They couldn't be. The exclusion is through administrative officers who select eligibles for jury service. In most cases it could probable be shown, as it was shown in Alabama, that negroes are not mentioned in drawing juries. There is no reason to mention them. It is a matter of common understanding for so long that it has taken the form of unwritten law that negroes are not to be placed on the jury list. Negroes have in the main accepted the exclusion without protest either because they were unable to contend or for reasons of policy. While in recent time the question has frequently been raised it has often failed in the Supreme court because it did not get before that body squarely on its merits. Whenever the straight issue of exclusion for racial reasons is presented there is no question of the decision when the facts are established.

When it appeared that the exclusion issue would be raised in the Alabama case attempt was made to forestall it by placing the names of six negroes on the jury list in Morgan county. But it was so apparent that the names were placed there to mislead that the Alabama Supreme court recognized that fact. Attempt was also made to show that negroes did not serve on Alabama juries because they were not qualified. But old citizens who had lived in the counties affected all their lives testified that they had never known a negro to be summoned on a jury. The testimony to that effect was unanimous. Since negroes were not summoned on juries and were not subjected to the test of qualification the evidence as to disqualification failed. Moreover a reading of the Alabama law would convince the unbiased that in this age some negroes could be found in any county where the negro population was of consequence who would meet the qualifications enumerated. The facts as to the arbitrary and systematic exclusion on account of race were so well established that there was but one finding for the high court. That was unanimous as to the eight justices sitting. Justice McReynolds did not hear the argument and did not participate in the decision.

The decision does not mean that all the southern counties that have excluded negroes from juries for racial reasons—as they have whether they recognize it and admit or not—must begin to call negroes on juries or that negroes must serve on all juries. They can proceed as usual if they would take a chance. The question can only be raised at the instance of negroes convicted of crime. If they are guilty a new trial might avail nothing. There is also the matter of ability to employ legal talent to make the test and the wisdom of the policy. But if and when a negro is convicted in our courts without racial representation on juries—as all of them are convicted in North Carolina—the question may be raised and the trial overturned if the status of the appeal presents the straight issue of race discrimination. Also this question will be more frequently raised in the future than in the past. The Supreme court having clearly defined what constitutes racial discrimination in jury service the way is clearer than it has been.

With that it may be wise to begin taking on a few negroes for jury service to be able to show there is no arbitrary and systematic exclusion. Better that way than to wait to be compelled, as will eventually result.

NEGRO JURORS

The Southern press seems not to have been greatly surprised at the United States Supreme Court decision in the Scottsboro cases. For the most part there is a disposition to accept the mandate of the court. Governor Bibb of Alabama has issued a letter to the people of that State advising that the court decision with respect to having Negro jurors be obeyed. Although subterfuge and evasion may be resorted to in some places, we believe there will be a large participation of colored people in the procedure of courts in the South. Once the new order gets under way we feel sure it will work harmoniously and to the satisfaction of both races.

Greenwood, S. C. Index-Journal
April 25, 1935

NEGROES ON JURY LISTS

Circuit Judge Hayne F. Rice, according to The Spartanburg Herald warned the jury commissioners of Spartanburg county this week that they must put the names of negro citizens "on the jury lists" this Fall and said to the grand and petit jurors that they should not be surprised to find colored individuals drawn as jurors in Spartanburg county. He referred to the decision of the Supreme Court of the United States in the Scottsboro, Alabama, cases in which this court ordered a new trial to two of the convicted colored boys for the reason that it appeared to the court that there had been a persistent discrimination in that county against Negroes entitled to serve as jurors, as a reason why such action should be taken.

What Judge Rice means, as we attempted to show here some weeks ago, is that the names of registered Negro voters, "qualified electors" should be put on the list of persons whose names go in the jury box to be drawn out by the three officials designated by law to make this drawing.

Only persons who are "qualified electors," and this applies to both white and colored persons, can serve as jurors. If ten colored registered voters have their names put in the jury box with a thousand whites, both qualified electors, the chances are remote that a colored name will be drawn out of the box. And when so drawn he may not be called upon to serve. This cannot be forced.

What the Supreme Court meant was that the total absence of the names of colored qualified electors or whatever is required to make a citizen eligible for jury duty, was something which that court had to take note of, and it was in the nature of a warning.

Governor Bibb Graves, of Alabama, took a sane and sensible view of the decision and in ordering all jury commissioners in that State to include the names of colored persons on the jury lists said: "The decision of the Supreme Court is the law of the land and Alabama means to abide by the law."

In that State as in most other States in the South the list of colored persons who are legally entitled to serve as jurors is small.

TWO EXAMPLES FOR JURYMEN

The child convicts whom the governor of Mississippi found in its state penitentiary when he held his "mercy court" there are sickening proof that the decision of the U. S. Supreme court in the Scottsboro case is needed to save the humanity of whites as much as the liberty of Negroes. Children of eleven years cannot be guilty of anything criminal within the meaning of the law. When hate demands children as a sacrifice, when accusation is the equivalent of conviction, civilization is wrecked and abandoned.

It is well that the supreme court makes it mandatory for Negroes to be on the jury panels which sit in judgment on Negroes accused of crime. But reform in the system still is not justice to accused persons and to the public. The means must be put to good use. Because white juries have declared Negroes guilty it will not do for Negro jurymen to declare them innocent. Neither can they better the present situation by cowardly acquiesence in what the white part of the jury wants. It takes both intelligence and courage to make the jury a worthy public agent.

Happily there are already two excellent examples of intelligence and courage, both exhibited during the trial of the Scottsboro boys, to give us hope for the future. One was by Negroes. Only men of superb courage and proven intelligence could have served the defense in its attempts to prove that the failure of Alabama to include Negroes in its jury panels was from choice, not because there were no suitable Negro jurymen. When the records of this age are written down by history, the Negro dentist in Decatur and his fellow citizens will take high place. It was their willingness to suffer the consequences that confounded the prosecution. Alabama's temple of injustice fell. Attorney Leibowitz gave the command, but it was a Negro Samson who put shoulders to the pillars that upheld it.

The thousands of Negroes called to jury

service dare not be cowards and decide against their convictions for the sake of peace with whites after having this demonstration of courage at the cornerstone laying of the new jury sytem.

No less courageous than the Negroes was Judge James E. Horton, who presided at the second Scottsboro hearing and declared it no trial when the state, instead of bringing in evidence, depended upon custom to convict the defendants. Judge Horton must have known that he would suffer condemnation at the hands of his white fellow citizens. He must have foreseen his defeat for reelection. If ever anyone invited martyrdom for justice, he is that man. So long as he and men like him are to be found in the South, it can never meet the fate of Sodom and Gomorrah which were destroyed because not one good person was to be found in them.

REMEDYING THE DEFECTS

Advocates of justice and fair play view with a marked degree of suspicion the prompt manner in which Governor Bibb Graves issued the "suggestion" to jury commissioners of Alabama counties that they include the names of Negroes on their jury rolls. This course was suggested by the chief executive of that state following the stern expressions of the United States Supreme Court last week, in directing criticism at officials of two counties where trials of nine Negro youths were conducted.

In the first place, it is extremely doubtful that few, if any of the Alabama county officials will accord the "suggestion" any consideration, and in event any action should be taken, it will be considered as only the remedying of such defects as might exist for the purpose of getting the record straight, not only for the Scottsboro cases, but cases of similar nature.

In the meantime, those in charge of conducting the prosecution of the nine Negro youths are oiling up the machinery with a view of bringing them to trial again, notwithstanding the shortage of funds complained of by the state treasury which has caused a shortening of public school terms throughout the state. The two trials cost Alabama taxpayers many thousands of dollars and another trial will run the cost up to even higher figures.

According to figures released by a news article from the Alabama state capitol, 157,000 of the 229,900 male Negro population of the state are illiterate and the further startling statement is reported as having been issued by the health department that forty percent of those of the better educated class are sufferers of social diseases. Illiteracy or disease will serve to disqualify men for jury service.

The vast number of illiterates presents a sad reflection on the state and the latter statement as to the prevalence of social diseases reflects discredit both on the state as well as the Negro racial group.

Wilmington, N. C. Morning Star
April 5, 1935

TRIAL BY JURY

POSSIBLY the supreme court decision which threatens to send lots of appeals to Washington from southern states may be a blessing in disguise, since it may prove the motivating power in ending the obsolete jury system that afflicts the country. The decision in question held the rights of negro defendants infringed upon because members of their race were not permitted to serve on juries.

Despite the fact that historians hail the beginnings of the jury system as one of the great rights won by the masses, candor compels the admission that in recent years it has degenerated to a great extent. For this, there are several reasons. One is that lawyers are notorious for their dilatory tactics, and the business and professional man does his best, as a rule, to be excused when called for jury duty.

Even if he is unsuccessful in this, the business of picking a jury is more a game than than a procedure. Opposing attorneys do their best to get the twelve men they believe will return them a favorable verdict, or at least the twelve, they believe will be more inclined to look with favor on the issues they may present.

Predicting the outcome of a trial is the wildest of gambles since jury verdicts quite often result in bizarre findings that draw rebukes from presiding magistrates. Writing in the *News and Observer*, FRANK SMETHURST, in discussing this subject, cites an instance that is sometimes typical of our jury system:

"I recall a capital case tried in Wake County in which the foreman of the jury afterwards explained the device by which a secret ballot was taken, although some of the jurors could not read or write.

"He distributed among the jurors slips of paper, each folded three times. A perpendicular tear in the paper to the first fold, one-third the length of the paper, represented a vote of 'guilty.' A similar tear through the first fold and continuing to the second, or two-thirds the length of the slip, was a vote of 'not guilty.' The foreman, I recall, was quite proud of his ingenuity.

"Considering the difficulty that highly trained and experienced judges have in interpreting the written law in terms that will stand the scrutiny of the Supreme Court, it seems obvious to me that illiterates or near illiterates are utterly unsafe repositories of sure justice."

In those states where the criminally accused may waive a jury, there is usually an orderly routine of justice and certainly far fewer miscarriages than in those where the so-called "rights" of equality are upheld.

GREENVILLE, S. C.
NEWS

APR 24 1935

NEGROES' NAMES ORDERED PLACED IN SPARTAN BOX

Judge Rice Issues Instructions To Commissioners For December

COURT RULING CITED

SPARTANBURG, Apr. 23.—Judge Hayne F. Rice, of Aiken, presiding over general sessions court here, has instructed the Spartanburg county jury commissioners to place the names of negroes in the jury box when petit and grand jurors are drawn in December.

These instructions were given by Judge Rice before he dismissed the grand jury Tuesday morning.

It was the most significant statement made from the bench in Spartanburg county in years, according to local attorneys.

Judge Rice cited the recent decision of the United States Supreme court in granting a new trial to the defendants in the Scottsboro, Ala., case, where it was alleged that negroes were "systematically" eliminated from jury service.

In dismissing the grand jury Tuesday, Judge Rice said:

"Gentlemen, do not be surprised if you find negroes on the grand and petit juries next December. Since the Scottsboro decision of the United States Supreme court in those rape cases, it will be necessary for us to draw some negroes and put them in the box in which the petit and grand juries are drawn in December. This will be necessary in order to make the cases stick in State Supreme court. This will have to be done all over the state. It is already being done in Charleston. I merely make this statement to you so you will not be surprised."

Judge Rice stated that he had instructed the jury commissioners to place the names of negroes in the jury box next December.

Nashville, Tenn. Tennessean
October 14, 1935

NEGROES SERVING ON DIXIE JURIES

Increase in Number Noted Since U. S. Decision in Scottsboro Case.

ATLANTA, Oct. 13.—(AP)—Negroes are appearing in increasing numbers on juries in the South, an unusual service for members of the race before the United States supreme court's decision in the "Scottsboro case."

The decision which sent the widely publicized case back to the Alabama courts on grounds of "systematic exclusion" of negroes from jury rolls was said by legal authorities today to be behind the greater attention now given them in making up jury lists.

For the first time in the memory of court officials the names of three negroes were drawn last week for grand jury duty in Morgan county, Alabama, where two of the nine negro defendants in the Scottsboro case, accused of attacking a white woman,, were convicted and sentenced to death.

Negroes have sat on federal juries and in some Southern states it has been a common occurence for them to be called for juries in state courts, but in the latter instances they invariably were "excused."

A negro dentist is on the jury in the trial of Abe Shushan, lieutenant of the late Senator Huey P. Long, on tax evasion charges in federal court in New Orleans.

"Negroes always have been on panels as far as I know," Federal District Attorney Rene A. Viosca said. "Three or four of them are on every panel drawn in years." Few, however, ever are on the jury.

Acting in view of the Scottsboro decision, Judge W. A. Alcorn, Jr., at Clarksdale, Miss., recently quashed the first indictment against a negro charged with killing a white man. Later a negro school teacher was on the grand jury which reindicted the accused man.

This case and another in which a negro on a jury at Gretna, La., helped convict a defendant accused of attacking a white woman are the only occasions on which negroes are known to have been on juries in present-day Louisiana and Mississippi, court officials said.

Juries-1935.

FIRST ON GRAND JURY

(Courtesy South Bend Tribune)

Rev. H. R. White is the first Negro to serve on a grand jury in the South Bend district of Indiana. He is the pastor of First A. M. E. Zion Church of South Bend. Rev. White was a teacher and a lawyer before he entered the ministry. This jury will hear the case of Clarence (Smoke) Pierce, who killed two white men after they had insulted two matrons. Pierce was arrested and held for the grand jury. This jury operates in St. Joseph county.

Vienna, Ga., News
September 12, 1935

Negroes Entered For Jury Service

MACON, September 9th. — The names of outstanding Negroes in the middle district of Georgia are being placed in the jury box of United States court, it was learned here yesterday.

While the names of some Negroes have been in the box for many years, Judge Bascom S. Deaver has directed the selection of a larger number since the decision of the supreme court in the Scottsboro, Ala., case was handed down several months ago.

That decision reversed the lower court in the trial of a group of Negroes on criminal assault charges because Negroes were excluded from the jury box.

George F. White, clerk of the district court here, has asked county authorities in each of the 71 counties of the district to supply the names of several outstanding Negro citizens. Mr. White is a member of the commission now engaged in revising the federal jury. Serving with him is one citizen from each division of the district.

The new box is expected to be ready for the opening of the November term of court here. Negroes already are said to be serving frequently in the northern district of the United States court.

ATLANTA HAS NEGRO JUROR.

ATLANTA, Sept. 5.—For the first time in the memory of court officials here a Negro served on a Fulton County Grand Jury Tuesday. Assigned as Juror No. 7, C. A. Faison, a barber shop proprietor, sat between two white jurors and took part in the deliberations. Negroes have served here on Federal Court juries and occasionally on petit juries.

Forsyth, Ga.,
September 12, 1935

NEGROES ENTERED FOR JURY SERVICE

UNDER SUPREME COURT RULING SEVERAL NAMES TO BE ADDED TO LIST IN MIDDLE GEORGIA DISTRICT

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Abbeville, Ga., Chronicle
September 5, 1935

CLERK ASKED FOR NAMES OF NEGROES FOR U. S. JURY DUTY

Hon. Geo. F. White, clerk of the U. S. Court, has written Wright Mixon, clerk of the court of Wilcox County, to send the names of five negroes to be placed in the jury box of the U. S. court. This order comes from Macon, but Wilcox county is in the Americus district.

Clerk Mixon is doing some thinking, as they have ti be from 21 to 40 years old. So far as the records go, this will be the first negroes to ever serve on the federal jury.

Wilson [illegible] Times
August 29, 1935

FIRST NEGRO CALLED FOR JURY DUTY HERE IN SEVERAL YEARS

William H. Barnes, 37 year old Black Creek negro, will have the distinction of being the first negro to be called for Superior Court jury duty in Wilson County in a number of years. He was picked recently for the jury lists for the term of Court here that opens next week with Judge E. H. Cranmer, of Southport, presiding, and summons for duty was served on him yesterday. Court will hold one week and it will be a session for the trial of criminal cases.

The County Commissioners recently ruled that negroes were to be included in the jury lists of the County.

Statesboro, Ga., [illegible] and News
October [illegible], 1935

Negroes to Be Placed On Lowndes Jury List

Valdosta, Ga., Sept. 30.—Faced with the necessity of adding names of negroes to the jury box in Lowndes county at the box revision next year, members of the Lowndes county grand jury commissioners are already giving the question much consideration.

Under recent rulings of the United States supreme court it is conceded that names of negroes must be placed in the jury box, when such members of the race may be found who can qualify in accordance with the provisions of the law. Unofficial information comes from some sections of the state that it is planned to put such names on slips of a different color, but Lowndes county jury commissioners are understood not to favor such discrimination.

PICK NEGROES FOR JURY DUTY IN TENNESSEE

JACKSON, Tenn.-(CNA)- Two Negroes were picked for trial jury service here in the United States District Court for the Western Division of Tennessee.

10-5-35.

Federal Courts in the past have occasionally permitted a single Negro to serve on juries here and there in the South. However, the victory secured by the International Labor Defense in the United States Supreme Court's second reversal in the Scottsboro case, has placed the question of Negroes serving on juries on a different footing.

The wealthy white population and the political machinery it controls here have taken small steps to comply with the Supreme Court mandate, although it still seeks to evade the decision. The practice now tried is to seat one or two Negroes on occasion to lay the basis against an appeal citing violation of the Scottsboro opinion.

Three Negroes Take Seats On Grand Jury In Morgan County

DECATUR, ALA., Oct. 7—(AP)—Three negroes were sworn in on the Morgan County Grand Jury today in the same courtroom where two years ago attorneys for the nine negro defendants in the "Scottsboro case" introduced evidence to substantiate a claim of "systematic exclusion" of negroes from juries in this county.

Judge A. A. Griffith, presiding, in qualifying the Grand Jury and in charging it to investigate all criminal cases brought before it by the circuit solicitor made no comment on the pressing of negroes on the panel.

Among the spectators, present for the opening of the Fall term of court, there was only mild interest displayed as the three negroes took their seats—the first in the memory of oldest court house employes to serve on a jury in Morgan County.

The negroes who are on the Grand Jury are Jim Sanford, of Decatur, former railway shop employee, Arthur Stewart and Glen Sharpley, both farmers.

It was in the courtroom here that Samuel S. Leibowitz, of New York, as chief of defense counsel for the defendants in the "Scottsboro case," raised the constitutional question of negroes being "systematically excluded" from grand and petit juries in Jackson and Morgan Counties.

Leibowitz raised the question, first with a motion to quash the indictment returned in Jackson County on allegations that "systematic" exclusion of negroes violated the right of the defendants, and then when overruled moved to quash the venires drawn for petit jury service on the same grounds.

Evidence introduced in court showed no negroes had served on juries in recent years and formed the basis of an appeal to the United States Supreme Court in behalf of Clarence Norris and Haywood Patterson, both convicted and sentenced to death for an attack on Mrs. Victoria Price aboard a freight train in Jackson County, March 25, 1931.

The nation's highest tribunal set the verdicts aside holding there had been "systematic exclusion" of negroes from the juries and the constitutional rights of the defendants violated.

Lieut. Gov. Thomas E. Knight, Jr., special prosecutor for the State, recently announced a special session of the Grand Jury would be asked in Jackson County to reinvestigate the case which is internationally known.

If new true bills are found, the Lieut. Gov. said the cases would be returned here for trial, probably late in November.

Birmingham, Ala. News
October 7, 1935

NEGRO JUROR CALLED

Man Qualified For Service Before Judge Bowron

The first Negro to be called for jury duty in Jefferson County state courts since the United States Supreme Court rendered its decision in the Scottsboro case, holding the convictions invalid because Negroes were excluded from the jury rolls, was qualified for jury service before Circuit Judge Bowron Monday morning.

The Negro juror is Lewis Dorroh, 3100 Twenty - Seventh Avenue, North. He said he considered the calling of Negroes a distinct forward step for his race, and also declared that he would not let the fact that he is a Negro influence his decisions in cases in which members of both races are involved. He was educated in Birmingham.

The new jury was the first to be organized under the new one-venire law passed at the last session of the Legislature in the interest of economy. Previously venires were drawn for both the criminal and civil courts, but under the new law only one venire will be drawn for both.

Considerable confusion prevailed about the jury room as the 285 men assembled. The room was overcrowded and some prospective jurors had to stand in the hall outside while waiting to be qualified.

Although judges did not wish to comment, it is known that there is apprehension over the workings of the new system.

Sheriff Mixed in Crempa Case; Jury Is Dissolved

ELIZABETH, N.J. (UNP)—Because the sheriff who named Dr. Howard F. Brock among others, to the October grand jury later became involved in the Crempa case, a new grand jury was named Monday and no colored member was included.

Willacoochee, Ga., Times
October 10, 1935

Negroes On Jury

MACON, Ga., Oct 10—Jury commissioners of Bibb county state that the names of well known negroes are being placed in the jury boxes in this county.

Orange, Va., Observer
October 4, 1935

FIRST NEGRO ON ORANGE COUNTY JURY

To Andrew Maples, well and favorably known colored war veteran and secretary of the Orange Colored Horse Show Association, of Orange, goes the distinction of being the first Negro to sit on an Orange jury, certainly so far as there is any record at the present time.

Andrew was drawn last week on a special grand jury of the Orange circuit court. The jury was composed of six men. H. C. Clark, Orange, was foreman. Other members were H. B. Craig, R. D. Browning, T. A. James and C. W. Barnes. Three indictments were reported as follows:

Frank Blankenship, felony, maiming. Fugitive.

Shirley Haney, statuary charge. Case set for trial Oct. 10.

Howard Berry, felony. Maiming.

The Berry case was heard Monday by a jury of 12 of which James E. Young was foreman. A verdict of guilty of unlawful wounding was returned. Defendant was sentenced to six months months in jail and a fine of $50.

The case grew out of an affray in Orange August 25 to which Chief of Police R. H. Wells responded. Mr. Wells deputized Mr. Knighton to assist him. Mr. Knighton was stabbed with a knife in the hands of Berry.

Juries - 1935

Raleigh, N. C. Observer
August 14, 1935

OUR SACRED JURY SYSTEM.

Speaking of lynchings, a former president of the N. C. Bar Association writes me his opinion as to why our legal system is inadequate to meet situations such as the recent Franklin county lynching and the Mecklenburg prison camp scandal. He says:

"The blazing indignation expressed in 'Incidentally' at the acquittal of the convict guards responsible for the loss of feet by two Negro convicts in Mecklenburg county is fully shared by me. Much sympathy is also felt for the futile exasperation expressed in The News and Observer at the State's inability to get anywhere in its efforts to find and punish the perpetrators of the recent lynching in Franklin county. If they are found and tried they are almost certain to be acquitted. There is one fundamental cause of the helplessness of the authorities to meet such situations which has not been mentioned in the comments upon it, namely, the idolatry which North Carolina has traditionally manifested for the jury system. In the 1790's while the State was under the influence of the personally aristocratic but philosophically proletarian Willie Jones, the Legislature passed an act prohibiting sheriffs from preceding the judge into the court room, whether bearing a wand or otherwise. Tne use of wigs and gowns was also terminated, and about that time the State forbade the judge to express any opinion upon the weight of the testimony. This effort to reduce the power of the judiciary and to exalt the province of the jury had no basis in the history of the jury as developed by the common law of England. The policy so decided upon remains to this day. Under it the judge is degraded to the position of an umpire. Having been shorn of power, he is also largely relieved of responsibility for the outcome of a jury case. The opinion is hazarded that no matter what judge had presided at Charlotte and no matter what solicitor had prosecuted the case, the outcome would have been the same. Public opinion, realizing the judge's impotence, does not visit him with blame for such a result. The jury, for practical purposes anonymous, coming out of the sticks, voting and going back to the sticks, is immune to public opinion.

"Although our State has thus terminated the primary responsibility of the judge for the outcome of criminal prosecutions as placed upon him by the common law of England, and although the jury is vested by our policy with enormous power, we have made no efforts, or practically none, to raise the personnel of juries up to a level of character and intelligence comparable to the importance of their function. Without prolonging this dissertation, the thought is suggested that here is the fundamental cause of such things as happened at Charlotte and will happen at Louisburg if the lynchers are ever brought to trial."

NEGRO ON THE JURY

For years it has been understood that Negro citizens should not be debarred from jury service, and the finding by a jury from which any of their number is debarred, would be illegal. This has been brought very forcibly to the attention of the public by the decision of the Supreme Court in the Scottsboro case. Since that time there have been spasmodic attempts to summon Negroes for jury duty. Already appeals are being made from several decisions because race men have been denied jury service. Should these cases be carried to higher courts there would assuredly be a reversal. This being a fact, it seems that those having to do with the preparation of the jury list, should see that a sufficient number of the names of colored citizens are placed in the box. This should be done not only because it is right and legal but because it may save the county considerable expense in fighting appeal cases. Last week a case in North Georgia was appealed because no Negro was on the jury concerned in the findings. More and more this will be done and continued until the prejudice against the calling of Negroes as jurors is wiped out. It behooves Chatham county to revert to former years and call more colored men for service. Failing to do so it may find itself seriously involved in appealed cases.

HASTINGS, NEB.
TRIBUNE

AUG 21 1935

Southern Juries

In accordance with the "Scottsboro decision"' of the United States supreme court and a subsequent order issued by Governor Graves, 2,000 Negroes now become subject to jury service in Jefferson county, Alabama. Their names will be placed on the jury roll on September 1.

The names of some 30,000 white persons are being put on the rolls at the same time, which considerably reduces the chance of Negroes to serve as jurors. The chairman of the county jury board states that the names of some Negroes have been on the lists in the past, but that when they have been summoned they have usually requested dismissal.

With more Negroes on the lists and with the supreme court upholding their right to serve, it is likely that some of them will actually perform jury service. Another step has been taken toward equal justice. Others can be taken only as progress is made in education, tolerance, mutual good will.

Issue of Negroes On Juries Brought Up In Suit in Federal Court

Rome, Ga., Aug. 22.—(Special.)—A writ of habeas corpus filed by a Negro seeking freedom from a Georgia chaingang on the ground that Negroes "are systematically excluded from jury lists in Chattooga County will be heard Friday in the Federal District Court in Atlanta.

The writ partially parallels the Scottsboro (Ala.) case, in which the United States Supreme Court recently reversed the Alabama Supreme Court, causing Negroes to be placed on the jury lists before the case is retried. It is different form the Scottsboro case in that the latter was contested from the time it went to trial in the State court.

The writ to be heard Friday before United States Judge E. Marvin Underwood is brought by George Knox for the prisoner, his son, Buddy Knox, of Chattooga County.

Knox was sentenced to serve a term of not less than one year nor more than four years by Judge James Maddox at Summerville, Feb. 14, 1934, following his conviction on a burglary charge. The prisoner is now in the custody of Warden H. M. Isbel of Polk County.

NEGROES' NAMES ASKED FOR U. S. JURY BOX

ABBEVILLE, Ga., Sept. 6.—(AP)—Wright Nixon, clerk of the Wilcox superior court, says George White, clerk of the United States district court at Macon, has asked him to suggest five negroes from Wilcox for places in the United States court jury box.

Abbeville is in the Americus division of the middle district of the federal court.

continued to have its effect on the selection of grand and petit jurors on widely separated fronts last week as three additional Negroes were called for jury duty in Southern states.

In Atlanta, Ga., C. A. Faison, barber shop proprietor, served as a member of the Fulton County grand jury, the first of his race to act in such a capacity within the history of court attaches. Mr. Faison sat between two white jurors when the jury was called, retired to the grand jury room for organization, and returned to hear the charge of Judge Virlyn B. Moore.

W. H. Barnes merchant of Wilson, N. C., was called for service on the grand jury of Wilson County Superior Court as the first of his race to enjoy this distinction, but later asked to be excused on account of pressing business.

In another section of North Carolina, Nash County fell in line with the recent decision of the United States Supreme Court last week, and called W. T. Mann, Jr., prominent Nash County farmer, for jury duty during the civil term of court which will convene Monday September 15.

Mann's name was chosen from a list of eight other Negroes and was immediately notified by Sheriff Johnson. However, the sheriff told newspapermen that Mann is considered one of the best Negroes in the county, and will probably wish to be relieved of jury duty.

Mr. Mann, however, stated that he had no idea of declining, and that he had signed the proper credentials and returned them to the sheriff. "I know it will be a little embarrassing to begin with," he said, "but we have a chance now and I am going ahead with it, and break the ice."

The naming of a Negro for jury service in this county was the first time in over forty years, when the late W. T. Mann, Sr., was chosen several times for duty.

Negro Serving On Fulton Jury

Barber Shop Owner Accepted for Service on Body

ATLANTA, Sept. 3. (AP)—A Negro served on the Fulton county grand jury today, for the first time in the memory of veteran court attaches.

Listed in court records as C. A. Raison, the Negro took a seat between two white jurors, as Juror No. 7. He retired into the grand jury room for organization of the body and returned to hear with the others the charge of Judge Virlyn B. Moore.

Faison is a barber shop proprietor, court officials said.

Negroes have frequently served on federal court juries and occasionally on petit juries here, officials recalled.

N. C. RESIDENT DECLINES JURY DUTY SERVICE

Three Called In N. C. and Georgia Courts

The United States Supreme Court decision in the Scottsboro cases

NEGROES ENTERED FOR JURY SERVICE

Telegraph

Supreme Court Ruling Causes More Names to Be Added in Middle District

9-9-35

The names of outstanding Negroes in the middle district of Georgia are being placed in the jury box of United States court, it was learned here yesterday.

While the names of some Negroes have been in the box for many years, Judge Bascom S. Deaver has directed the selection of a larger number since the decision of the supreme court in the Scottsboro, Ala., case was handed down several months ago.

Macon, Ga.

That decision reversed the lower court in the trial of a group of Negroes on criminal assault charges because Negroes were excluded from the jury box.

George F. White, clerk of the district court here, has asked county authorities in each of the 71 counties of the district to supply the names of several outstanding Negro citizens. Mr. White is a member of the commission now engaged in revising the federal jury. Serving with him is one citizen from each division of the district.

The new box is expected to be ready for the opening of the November term of court here. Negroes already are said to be serving frequently in the northern district of the United States court.

N.J. At Last Places Race Man On Jury

9-14-35

Chicago Def.

NEWARK, N. J., Sept 13—The far flung battle the past spring to force naming of members of the Race to grand jury service seemed resulting in definite victory this week when Dr. Walter G. Alexander of Orange received official notice that he was one of the 35 citizens drawn for the first half of the September grand jury before Common Pleas Judge Van Riper.

Twenty-three of the 35 will be chosen from the panel and sworn in September 17 when they will be charged by Supreme Court Justice Parker.

The grand jury fight sprung up in several cities of North Jersey recently, following the ruling of the United States Supreme court that the Scottsboro verdicts were invalid because members of the Race had not served on the grand jury which indicted the boys. The first case based on this ruling was brought up in Elizabeth. Several similar cases followed in Newark. In one of the Newark cases a number of distinguished residents of the county were called by defense counsel to testify as to service by members of the Race on grand juries in the p[illegible] Dr. Alexander was one of the witnesses.

Macon, Ga., News
September 9, 1935

NEGROES' NAMES PUT IN JURY BOX

Federal List Being Revised by Commission Representing All Districts

Names of leading Negro citizens in the Middle Georgia district are being placed in the federal jury box on order of Judge Bascom S. Deaver, it was learned here yesterday.

While the names of some Negroes have been in the box for years Judge Deaver directed the selection of others after the United States supreme court's decision was handed down in the celebrated Scottsboro cases, where Negroes were given new trials because no Negroes' names were included in the jury box.

County authorities in each of the 71 counties in this district have been asked by George F. White, clerk of the district court, to submit the names of several outstanding Negroes for possible inclusion of their names on the jury list. Serving with Mr. White as a commission to make up the new jury box is one citizen from each district in the division.

It is expected that the new list of jurors will be ready for use by the time for opening the November term of court here.

Rocky Mount, N. C., Telegram
September 6, 1935

Negro Juror May Ask For Release

Nash county's one Negro jurist, W. T. Mann, chosen only this week in Nashville for the September 16 term of civil court in Nashville with Judge George W. Cowper, of Kinston, expected to preside, will probably ask to be excused from jury duty, Sheriff C. L. Johnston disclosed late yesterday while in the city.

Mann, whom Sheriff Johnston disclosed comes from his own township, North Whitakers, is considered one of the best Negroes in the county, and will probably wish to be relieved of jury duty. He was one of about eight Negroes whose names were in the box for the drawing Monday, and his was the only one drawn, it was disclosed.

Judge Cowper is expected to serve in place of Judge E. H. Cranmer, of Southport, who presided over the criminal court at Nashville this past week.

Quitman, Ga., Free-Press
August 29, 1935

Negroes Attack Jury Exclusion

The habeas corpus petition of a negro prisoner seeking freedom under a contention that members of his race were barred from jury service in the state court in which he was convicted will be heard in federal district court in Atlanta.

Drawn against H. M. Isbel as warden of the Georgia state penitentiary for Polk county, where the negro, Buddy Knox, is held, the petition charges that because negroes did not serve on the jury his conviction is "deprivation of liberty without due process of law."

In the petition, George Knox, the defendant's father, says his son was indicted by a Chattooga county grand jury from which negroes were "systematically excluded" and that he was convicted by a petit jury drawn from a box that contained the names of no negroes.

Sylvester, Ga., Local
September 12, 1935

NEGROES TO SERVE AS JURORS IN U. S. COURT

Names of outstanding negroes in the Middle District of Georgia are being placed in the jury box of United States courts, it was announced at Macon Sunday. Judge Bascom S. Deaver has directed selection of a large number since the decision of the Supreme court in the Scotsboro, Ala., case handed down several months ago. Names of outstanding negroe citizens in each of seventy-one counties of the district have been requested.

It is understood that negro residents of Worth as well as all other counties in the Albany division will be drawn for jury service.

Woman on Jury That Convicts Attorney of Attack on Reporter

Indianapolis Recorder

9-28-35

Mrs. Belle Norrel wife of Dr. James Norrell, was a member of the jury that convicted Peter Cancilla, attorney and former deputy prosecutor, of a charge of assault on Tipton Blish, a reporter for The Indianapolis Times.

The trial was heard in Municipal Court Room 2, Special Judge Harry A. Cause, presiding. A fine of $50 was assessed in the jury verdict. Cancilla is alleged ot have attacked Blish in the Courthouse last July.

Negroes Selected For Jury Service In Federal Court

Jackson, Tenn., Sept. 23—(Special)—For the first time in the history of Federal District Court here, two Negroes were chosen today for jury service.

The Negroes will sit on the petit or trial jury.

They are J. W. Lane, retired mail carrier, and George W. Greer, a farmer.

Judge John D. Martin of Memphis, is presiding over the western division of the Federal Court which convened here this morning.

Pavo, Ga., News
September 12, 1935

NAMES OF NEGROES PLACED IN JURY BOX

MACON, Ga. — Names of outstanding negroes in Middle District of Georgia are being placed in the jury box of United States Courts, it was learned here Sunday. Judge Bascom S Deaver has directed selection of a larger number since the decision of the Supreme Court in the Scotsboro Ala., case handed down several months ago. Names of outstanding negro citizens in each of seventy-one counties of the district have been requested.

Bennettsville, S. C., Advocate
September 26, 1935

Can't Keep Negroes Off Juries in S. C.

Courts Must Permit Talesmen, But Lawyers Excuse Them By Challenges.

The News and Courier.

The presence of negroes on juries in South Carolina courts cannot be avoided, according to Judge Philip T. Stoll, now presiding over the general sessions court here. The judge was asked what the effect of the supreme court decision in the Scottsboro case would be on jury trials in this state.

In the Scottsboro case, two negroes who had been sentenced to death by an Alabama court appealed to the United States supreme court, which set aside the verdict on the grounds that negroes had been systematically excluded from jury service in the southern court.

"There is no legal way in which negroes can be prevented from serving on South Carolina juries," the Kingstree judge said. "If they are excluded, the jury is at fault and its verdict will not hold."

At frequent intervals, negroes have been called in the court of general sessions here, according to William H. Dunklin, clerk of court. However, they usually are challenged by the defense or the prosecution.

In felony cases, the defense is allowed to challenge peremptorily ten jurors and the prosecution five. Five challenges are permitted each case in misdemeanor cases.

In this way, negroes are legally kept from serving on juries here. The jury commissioners have discretionary powers as to what names are placed in the jury boxes in South Carolina, but negroes are not barred from jury duty. Negro names appearing in jury boxes are few, however, because of the small number of qualified negro electors.

Juries-1935

CHARLESTON, W. VA.
GAZETTE

NOV 29 1935

Negro Jurors In West Virginia

As a result of a decision of the U. S. supreme court sometime ago the names of Negroes are almost certain to be placed in jury wheels hereafter in all states in the union. In the southern states up to the present time it seems to have been the universal practice not to place the names of Negroes in jury wheels and consequently the names of no colored citizens were ever drawn for jury service.

It is pointed out in a recent article in The Sentinel that there are about 800 colored residents in Wood county and it is quite probable that hereafter the jury commission will place the names of a few of them in the wheel for jury duty. The same investigation brought out the fact that there are counties in West Virginia, particularly in this sector, which do not have any Negro residents and others which have only two or three.

Unless the jury commission finds colored residents in a county competent to serve they will not have to place any such names in the jury wheel of course. The jury commission is expected to use the names only of competent citizens regardless of color and the names of many white persons also apparently would not be eligible for use.

West Virginia is looked upon in the east and north as a southern state but it may surprise a lot of northerners to learn that there are counties in West Virginia which do not have a single colored resident.—Parkersburg Sentinel.

WASHINGTON, D. C.
POST

NOV 20 1935

Advance In Fairfax.

In times marked by a decline of faith in democracy there is reassurance for those still loyal to its principles in a report from Fairfax County. Three colored men have there been named for jury duty in the circuit court, the first time for such recognition, it is asserted, since carpet bagger days.

Last May a special grand jury composed entirely of Negroes was called at the historic courthouse to hear charges brought against two colored persons, but applause had to be somewhat muffled for that step. Instead of eliminating racial lines in the operation of justice, it tended to accentuate them. Now Fairfax County can celebrate a real advance. And for all the other unsavoriness of the Scottsboro case, credit for this can be chalked up to its account. For it is understood that the Supreme Court's warning to the Alabama judiciary prompted the Fairfax judge also to include the names of Negroes on his jury lists.

NEGROES ON VA. JURY WHICH FREES PAIR

Tribune
12-3-35

Colored Persons Win Fight to be Included on Panel; Establish Precedent

FAIRFAX COURT HOUSE, Va.—Three Negroes, Thomas P. Harris, William H. Harris and Gus Burke, established a precedent here last week, when they served on the first mixed jury in this country since the "Carpetbagger Days" of the late sixties.

The colored jurors, appropriately enough, acted as bailiffs through which two other Negroes, both women, were enonerated of arson charges brought by an all-white grand jury. The women, Miss Lucy Carpenter and her mother, Mrs. Louise Carpenter, were cleared when the jury was instructed to bring in a verdict of "not guilty."

The directed verdict was the climax of a long court battle in which the constitutionality of the exclusion of Negroes from jury panels was attacked. It was the aftermath of a motion on the part of defense counsel that evidence of the Commonwealth be stricken.

The arson case was heard only after it had been held over two terms of court. The delay had been caused by the fight against the exclusion of colored persons from felony juries.

Anderson, S. C., Record
December 5, 1935

Dixie Accepts Negro Jurors

Atlanta, Ga., Dec. 5—(U.P.)—Not since the Reconstruction days have the names of negroes appeared on jury lists in the South as they are today.

Jury duty was an unusual service for negroes in Dixie until the U. S. supreme court reversed the Scottsboro death sentences on the grounds that negroes were systematically excluded from the grand jury which indicted the nine Scottsboro negroes on charges of assaulting two white women.

Consequently, court officials are eliminating that point of criticism against South's judicial system by having the names of negroes on jury lists. A negro, Creed Conyer was on the grand jury which recently returned new indictments against the Scottsboro youths.

Undoubtedly, negroes will be on the list from which will be drawn the jury that will try the Scottsboro cases again in Decatur, Ala., starting Jan. 6.

In the Decatur, Ala., courtroom where the trials will be held, three members of the colored race were sworn in on th Morgan county grand jury recently.

The Scottsboro decision has resulted in motions being offered in several cases to quash indictments against defendants on the grounds that negroes had ben systematically excluded from service on the grand jury.

Defendants succeeded in having ndictments dismissedw in Fairfax, Va., Mobile, Ala., and Clarksdale, Miss., while the motion for quashing was overruled n Norfolk, Va., Dothan, Ala., and other places.

A negro sat on the federal jury which acquitted Abe L. Shushan, lieutenant of the late U. S. Senator Huye P. Long, of charges of evasion of income tax payments at New Orleans recently.

Members of the colored race have served on juries in Jackson, Tenn., Memphis, Tenn., Atlanta, Ga., Clarksdale, Miss., Decatur, Ala., Hays County, Tex., Williamsburg, Va., and many other Southern cities. The oldest court attaches in some Southern communities could not recall when a negro had served on the jury previously.

Two years ago, a white man was fined $10 on a contempt of court charge for refusing to serve on a grand jury on which a negro sat. This case occurred in Fredericksburg, Va.

The Texas state court of criminal appeals, in a decision in July, declared that "mere absence of negroes from a jury panel is not enough to reverse conviction of a negro defendant. There must be some testimony to sustain an allegation of discrimination."

A law recently enacted in North Carolina increases the number of peremptory challenges which the state may have from four to six. This is expected to result in negro jurors being held to a minimum in North Carolina.

Greensboro Daily Record
November 21, 1935

Negroes Drawn for Jury Duty In U. S. Court

For the first time in the history of Houston county, five negroes sat on juries in United States District Court here Monday on the opening day of a four-day session at which no negro defendants are scheduled for trial.

No comment was forthcoming from the court as the session got underway when the negroes were sworn in with 25 white jurors who will serve with them until the term ends Thursday. Lists from which attorneys selected jurors, however, had the notation "Col." by the name of each negro.

Four negroes were selected for duty on the first jury, impaneled to try Raymond Branton on a charge of violating the internal revenue law. The fifth negro was caught on the second jury, to try Henry C. Hall on a similar revenue law violation charge.

The negro jurors were listed as: Ben Tarver, Montgomery, railway brakeman, Eugene Robinson, Montgomery, blacksmith; Gus Green, of Matthews, farmer; McKenley Heard, Cragford, farmer, and Tom Daniel, Wetumpka, farmer.

As the session got underway five revenue law violation defendants pleaded guilty. They were: Morgan Crews, Charles B. Kingry, Theodore R. Lynn, Brannon Cason and R. C. Grantham. They will be sentenced later by Judge C. B. Kennamer.

Reidsville, N. C. Review
December 2, 1935

DIXIE ACCEPTS NEGRO JURORS

Atlanta, Ga., Dec. 2.—(UP)—Not since the Reconstruction days have the names of Negroes appeared on jury lists in the South as they are today.

Jury duty was anunusual service for Negroes in Dixie until the U. S. Supreme Court reversed the Scottsboro death sentences on the grounds that Negroes were systematically excluded from the grand jury which indicted the nine Scottsboro Negroes on charges of assaulting two white women.

Consequently, court officials are eliminating that point of criticism against South's judicial system by having the names of Negroes on jury lists. A Negro, Creed Conyer, was on the grand jury which recently returned new indictments against the Scottsboro youths.

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In the Decatur, Ala., courtroom where the trials will be held, three members on the colored race were sworn in on the Morgan county grand jury recently.

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Defendants succeeded in having indictments dismissed in Fairfax, Va., Mobile, Ala., and Clarksdale, Miss., while the motion for quashing was overruled in Norfolk, Va., Dothan, Ala., and other places.

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Members of the colored race have served on juries in Jackson, Tenn., Memphis, Tenn., Atlanta, Ga., Clarksdale, Miss., Decatur, Ala., Hays county, Tex., Williamsburg, Va., and many other Southern cities. The oldest court attaches in some Southern communities could not recall when a Negro had served on the jury previously.

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Chattanooga, Tenn.
TIMES

NOV 6 1935

SHROPSHIRE CASE WEIGHED BY JURY

Verdict on Dismissed Negro Teacher Due Today.

Immorality Charge Dropped by McMillan in Appeal—Trial Brings Laughs.

A jury which could not reach agreement last night in chancery court will return this morning to determine whether or not Paralee Shropshire, young colored schoolteacher, dismissed by Commissioner of Education T. H. McMillan on charges of "immorality and inefficiency," will return to the city school system.

In a day packed with humorous battles over technical points of law Chancellor Lon Foust and the jury heard much of "the inside" in the case carried to the state court on an appeal by Commissioner McMillan who lost the first round of his fight against the colored teacher in a recent hearing before the board of city commissioners.

An unexpected development in the case came late in the hearing yesterday when counsel for Commissioner McMillan dropped the previous charges of "immorality," declaring they wished to carry the case further only on the ground of "inefficiency."

McMillan Carried Pistol.

Peculiar turns of the trial throughout the day included the revelation of Commissioner McMillan's carrying of a pistol for protection because of threats made against his life and the branding of the legislation creating the teachers' tenure law as "jackass legislation."

With his law partner, Senator Fletcher Morgan, seated at his side in the interest of Commissioner McMillan, Judge Floyd Estill attacked the tenure act and in doing so called it "jackass legislation." Senator Morgan was a supporter of the act.

The hearing was probably one of the most colorful that has graced the dockets of chancery court here in recent years. With old-heads in the profession of law seated at opposite tables, using unique methods of getting "incompetent" matters before the jury, bitter arguments resulting and a courtroom jammed full of colored residents of the city and county who frequently gave vent to their opinions on various things brought up in the trial by chorusing "amen," "ain't it so" and "you said it," Chancellor Foust, who couldn't refrain from smiling, and sometimes laughing, was kept busy rapping his gavel for order.

The history of the case goes back to when Commissioner McMillan was sent into office in a mighty protesting vote against the former administration and he sought to carry out his policy of "freeing the schools of politics" and making them "clean, decent and efficient."

Commissioner on Stand.

Commissioner McMillan was on the witness stand approximately two hours. He said he was informed by school authorities that the Negro teacher was not capable and he displayed reports made by her from which he said he formed much of his opinion. He said many of her students had failed to pass from her grade and numbers of those who had been passed on were not capable to carry on the work of the higher grade.

In what many termed "hot water," Supt. W. T. Robinson, of the city school system, took the stand to testify that it was true the colored teacher had been given a raise in pay the year before the discharge when it was said she had "progressed" in her work. He also said, on cross-examination, that she was "an average or slightly below average teacher."

Attorney John Early and his client denied the charges of immorality and inefficiency, but cried "an act of politics."

Then it was that both sides charged politics. Senator Morgan took the floor to say the lawsuit was literally "enmeshed with city politics," stating that was "why Mayor Ed Bass remained here most of the day."

Paralee Shropshire took the stand to testify of her education at the Agricultural and Industrial School of Tennessee, from which institution she received a life certificate permitting her to teach in the state's elementary schools. She proved to be alert in her response to both examination and cross-examination.

Fourth Ward Witnesses.

Several residents of the section in which she taught took the stand to testify that their children had been instructed by her and had shown sufficient improvement. However, on cross-examination, Senator Morgan brought out that all lived in "the Fourth ward"—home ward of Walter Robinson, Negro political leader.

Former Commissioner of Education W. E. Wilkerson took the stand in behalf of the colored teacher to state he had never received a complaint on her work during his tenure of office. He said, however, he was notified of progress in her work and he authorized a raise in pay for her.

The colored principal, named Martin, of the West Main Street school, where Paralee Shropshire taught, testified she had found the work of the teacher unsatisfactory and had talked with her about it.

Paralee Shropshire said she went to the principal of her school when she received notice early last summer of her dismissal, and asked her to give her a letter of recommendation as to her ability. She said the principal, in the presence of the Rev. Herbert Lyles, colored minister, had promised her the letter, adding "there is nothing to worry about." However, she said, when she went back later to get the letter, the principal denied ever telling her she would give her the letter.

Juries-1935

Fayetteville, N. C. Observer
October 14, 1935

NEGRO SERVES ON WAYNE COUNTY JURY

GOLDSBORO, Oct. 14 (AP)—For the first time since 1900, a negro was empanneled on a jury in Wayne Superior court when Calvin Brock was put on the jury here today for trial of an ejectment case. Brock is a truck grower who lives nine miles from here near Dudley.

Memphis, Tenn., Commercial Appeal
October 15, 1935

NAMES OF NEGROES DRAWN FOR JURY DUTY

Occurs First Time in Federal Court in Years

The names of "about five negroes" were believed to be among the 300 from which grand and petti jurors for the fall term of federal court were drawn yesterday. It was the first time in a decade that a negro's name had been in the box in this division of federal court.

Seventy-one names were drawn for jury service, the first 23 to serve as the grand jury, but failure of the jury commissioners to mark "colored" on the slips containing the names of negroes—a procedure followed at the jury drawing in Jackson last month—made it impossible to determine who among this term's jurors are negroes.

The drawing was held yesterday morning in the federal courtroom with Sam L. Gordon, federal clerk and J. T. McCabe, commissioner drawing alternately from a black steel strong box in which the 300 names had been placed.

On the bench at the time of the drawing was Judge John D. Martin, who recently dismissed a petition attacking the legality of an indictment against several negroes by the last grand jury on the grounds that the panel from which it was drawn did not contain names of any "persons of African descent."

The dismissal was ordered on grounds that the complaint was not filed within the statutory time limit after the indictment was returned.

The jury list drawn yesterday, including the names of several prominent citizens, were:

Grand Jury

W. B. McCabe, 2044 Higbee; L. W. Halford, 899 South Willett; Jesse F. Houck, 1234 Sledge; Harry B. Prest, 1890 Lyndale; T. H. Tutwiler, 1488 Vinton; W. McMaster White, 162 Court; Bolling Sibley, 1512 Vinton; Aubrey M. Haley, 837 Jefferson; J. M. Thompson, 54 Morrison; Eddy Boon Brewer, R. F. D., Dyersburg; O. A. McFall, 73 Madison; Frank C. Gifford, 1600 Harbert; G. B. Rice, Covington; W. S. Cosgrove, 348 North McNeil; W. R. Herstein, 543 Stonewall; T. Kyle Creson, 65 McCall Place; B. B. Williams, Brownsville; Chip Barwick, 740 Union; C. D. Jester, Dyersburg; J. R. Wright, 336 East Butler; D. R. Aiken, 995 Forrest; W. B. Gragg, Atoka; J. B. Hebron, Germantown.

Petit Jury

H. S. Fulcher, 1426 Vinton; Sam Crawford, Sr., 2091 Trimble; H. J. Freeburg, 1793 Union; James Banks, 542 Alston; L. V. Langley, R. F. D., Newbern; J. E. Lippett, 1746 Harbert; Tom Paschel, Ripley; J. P. Davis, 1446 Hollywood; George B. Ellis, Munford; Horace Hull, 42 East Parkway North; Robert Ruffin, 1574 Vinton; Raymond Irwin, Oakland; Arthur Blankenship, Newbern; E. O. Bailey, 1618 Forrest; J. L. Hancock, R. F. D., Ripley; C. O. Finnie, 1118 Peabody; C. R. Perry, 1498 Linden; Canon Carter, 903 Thomas; F. S. Southerland, 189 Jefferson; Bates Brown, 463 North Avalon; Bunk King, Dyersburg; T. J. Simmons, 1042 Eastmoreland; Harold Fortune, 1514 Vance; John J. Marion, 1741 Glenwood; Edwin Dalstrom, 1168 Greenwood; George P. Woollen, Ripley; George B. Henry, Sr., 520 Court; L. N. Learned, 1730 Harbert; W. Henry Dilatush, 1792 North Parkway; J. N. Hays, 1065 Merriwether; J. B. McGinnis, 292 North Avalon; John Sneed Williams, Jr., 542 East Parkway; Sam Walker, Dyersburg; C. T. Pennebaker, 1662 Forrest; Lewis Newbill, Dyersburg; R. B. Kyle, Capleville; Herman Schaffer, 692 Pearce; Edward Kehoe, 1431 North Parkway; Herbert McGarighy, Covington; J. T. Mann, Brownsville; William L. Bowles, 1460 Jackson; William H. Newman, 21 South Second; Gordon Erskine, 1466 Monroe; William Pierce, R. F. D., Dyersburg; Michael McCormack, 191 East Parkway; Leroy Kerr, Sterick Building; Charles C. Taylor, 1830 Jackson; Clevo Read, 196 Court.

4 TO SERVE AS U. S. JURORS AT NOVEMBER TERM

Journal & Guide
Norfolk, Va

Andrew Dickson and Marcus Andrews To Be Tried

10-26-35

Four colored citizens, all residents of Norfolk, have been summoned to serve as jurors during the November term of the United States District Court which convenes November 4. Two will serve on the grand jury, while the others will sit in on the actual trial of cases which begin November 6 with Judge Luther B. Way presiding.

Sydney Davis, prominent Titustown resident, of 1017 Sewall's Point Road, and C. W. LeGrand, 718 Fremont Street, district manager of the North Carolina Mutual Life Insurance Company, have both been summoned to serve on the grand jury.

Landy Taylor, 500 Diven Street, Titustown, club manager of the Norfolk Country Club golf club, and W. H. Tyler, prominent business man and fraternal leader, will serve as petit jurors. This term of the criminal court promises to be one of the busiest in several years, attaches of the U. S. Court Clerk's offices stated. A large number of cases in reference to illicit possession and sale of whiskey and others of a sensational nature, are scheduled to be tried.

The case of Andrew Dickson, aged recluse and admitted counterfeiter, is expected to be presented to the grand jury, and indications are that he will be indicted. Arrested at his shack at the foot of Reservoir Avenue several weeks ago, Dickson readily admitted his counterfeiting activities and asserted that he had a perfect right to manufacture bogus coins several hundred dollars worth of which were found in the shack and on his person.

At his preliminary hearing before U. S. Commissioner Harry Brinkley, the accused man said that he was preparing to apply for a charter to manufacture counterfeit money. He declared that this was his right under the United States flag. He was remanded to custody in default of $2,500 bond and has been in jail since that time.

Another interesting case expected to be considered by the November term of court is that of Marcus Andrew, former Portsmouth barber, who is accused of harboring a white escaped convict from a Federal prison camp several months ago.

Andrews was indicted by a special Federal grand jury in Alexandria, Va. late in June and was ordered held under $2,500 bond after another hearing before Commissioner Brinkley on June 21 last. He was taken into custody on a bench warrant issued by Judge Way, at his shop of Washington and South Streets, Portsmouth on the night of June 20. The arrest was made by U. S. Deputy Marshal Moss Armistead.

Specifically the accused man is charged with having given shelter to Marion Fowler who escaped from the Camp Lee Federal reformatory prison camp last May 29, where he had been serving a sentence for violation of the Mann Act. Andrews' arrest was the first to be made in this area under the new law which has been used in many cases against persons charged with shielding fugitives in kidnaping cases.

Indicted by the same special grand jury in Alexandria, William Jones of Old Point Comfort, Va., is expected to be tried during the November term on a charge of felonious assault on a government reservation. Jones was confined to the local jail hospital for several weeks with a broken back. He is charged with having entered the bedroom of Mrs. Elvira Barbour at Fort Monroe on the night of June 17, and to have assaulted her with a pistol.

He sustained the broken back when he leaped from the fourth floor window after the woman's screams had summoned aid. Bond in the case was fixed at $5,000.

Birmingham, Ala. News
October 20, 1935

Views and Interviews

Birmingham Audience Is Praised

"My audience here Tuesday evening was one of the most responsive and discriminating I've ever sung to," stated Miss Kathryn Meisle, following her concert at Phillips Auditorium under the auspices of the Birmingham Music Club. "It was such a beautifully dressed audience, too. Their appreciation raised my vibrations at once and I enjoyed singing for such music-lovers."

* * *

Negro Serves On Grand Jury

"The enforcement of Alabama's jury laws, through which Negroes are not only being called but are serving, is creating considerable interest," said Walter F. Smith, Birmingham attorney, who has just returned from a court session in Clay County. "In Clay, my former home, a Negro, Kinney Wilson, served on the Grand Jury last week—a Grand Jury that indicted several white men. He was asked if he did not want to be excused, but stated he wanted to serve. Two other Negroes were summoned for petit juries, but were struck every time. Clay is a county 95 per cent white and this is the first time in the oldest inhabitant's memory that a Negro has even been called. A Shelby friend tells me that in his county half a dozen Negroes were called for petit jury service, but were asked if they did not want to be excused and in each instance declared they did."

Eufaula, Ala. Tribune
October [illegible] 1935

NEGRO JURORS

Due to a supreme court decision in the celebrated Scottsboro case, a number of southern states have placed the names of negroes in jury boxes and in several courts negroes have served on juries, both grand and petit. Not since the years immediately following carpetbag rule has the black man been permitted to do jury service and the outcome of the revised system will be watched with interest.

An Associated Press writer reviews the situation in the south, as follows:

For the first time in the memory of court officials, the names of three negroes were drawn last week for grand jury duty in Morgan county, Alabama, where two of the nine negro defendants in the Scottsboro case, accused of attacking a white woman, were convicted and sentenced to death.

Negroes have sat on federal juries and in some southern states it has been a common occurrence for them to be called for juries in state courts, but in the latter instances they invariably were "excused."

A negro dentist is on the jury in the trial of Abe Shushan, lieutenant of the late Senator Huey P. Long, on tax evasion charges in federal court at New Orleans.

"Negroes always have been on panels as far as I know," Federal District Attorney Rene A. Viosca said. "Three or four of them are on every panel drawn in years." Few, however, ever are on the jury.

Acting in view of the Scottsboro decision, Judge W. A. Alcorn, jr., at Clarksdale, Miss., recently quashed the first indictment against a negro charged with killing a white man. Later a negro school teacher was on the grand jury which reindicted the accused man.

This case and another in which a negro on a jury at Gretna, La., helped convict a defendant accused of attacking a white woman, are the only occasions on which negroes are known to have been on juries in present day Louisiana and Mississippi, court officials said.

A federal jury in South Carolina several weeks ago included a negro; their appearance in state courts has been rare. A law passed by the 1935 North Carolina legislature increasing the number of challenges was de-

scribed as a means of keeping ne
groes off juries.

Florida court authorities said they had no knowledge of negroes having served on juries in that state.

Since the Scottsboro decision ne-groes have been called frequently for grand jury duty on circuit (county) courts of Virginia, and generally one or two are on each grand jury. They have not been called in western and southwestern Virginia counties, the latter in the mountains.

During a federal court session two negroes were ready to sit on the jury at Jackson ,Tenn., recently but the court had to be reorganized and ju-rors were dismissed before they serv-ed. Last week a negro was chosen as an "extra" to fill in on the jury if the occasion arose.

For the last 29 years negroes oc-casionally have been on juries at Knoxville, Tenn. Lately two members of the race were on the grand jury and one was on a trial jury in crimi-nal court there.

The .Fulton (Atlanta) county grand jury seated a negro this fall the first time members of the judic-iary could recall.

Race Jurors Ban Lifted In Iowa

BURLINGTON, Ia., Nov. 1.—De-cisions rendered in the Scottsboro case carried with them a deal more significance than a ruling on that particular case. Its decree concern-ing the validity of Jim Crow juries is respected even here.

James Bowles, of 130[illegible] S. Four-teenth street, was summoned, and to the surprise of many Race resi-dents, served on the local jury for the month of October. This is the first time a member of the Race has been allowed this privilege of serv-ing on a jury in this community.

PROP ATTEMPT TO RAISE 'SCOTTSBORO JURY' ISSUE

(Special to Crusader News Agency)

AUSTIN, Tex.- Withdrawing his motion for "purely personal reasons", H.W. Morelock, local white attorney, has decided not to introduce into the State Supreme Court a case which would have tested here the decision made by the United States Supreme Court in its reversal of the Scottsboro case ruling.

Change of Mind

The day following the one during which Mr. Morelock made the announcement that he might endeavor to get quashed a charge of murder made against Roges Prince by an all-white grand jury, the attorney suddenly changed his mind. He was given permission by Judge J.D. Moore to withdraw his motion.

The following day, an all-white jury declared Prince to be guilty, and he was sentenced to 20 years in the penitentiary. His sentence would have been heavier had he been charged with killing a white person instead of a Negro.

Mr. Morelock, when interviewed by a Crusader News Agency correspondent, re-fused to make any statement other than that he had withdrawn his motion for per-sonal reasons which he could not state. He denied that any outside pressure was responsible for his action, and suspiciously asked the reporter what paper was represented.

Negroes Placed on Jury

Within the memory of the oldest settlers in Travis county, no Negro has sat on this grand jury. A few Negroes who have sat on juries were on trial juries only, and Jim Crow saw to it that these juries did not require their members to be locked up overnight.

Nevertheless, since July, two Negroes have sat on the Hays County grand jur about 30 miles from Austin. Hays county was one of the happy hunting grounds o the Ku Klux Klan during the hey-dey of this organization, and it is a scene of landlords' substantial homes with the usual background of Negro and Mexican croppers' shacks. The fact that Negroes are serving on the grand jury in this county means nothing but a blockade of appeals to higher courts.

Juries-1935

IN THE WORDS of the late Mr. Briggs, we wonder what a Negro juror on an Alabama grand jury thinks about. Creed Conyers, a farmer of Paint Creek, Alabama, chairman of the board of trustees of Negro schools there, was the man chosen to satisfy the requirement imposed by the Supreme Court of the United States that Negroes should appear on the grand jury which would reindict the Scottsboro defendants. The new grand jury promptly returned the indictment on the two counts of attacking Mrs. Victoria Price and Ruby Bates, in spite of the often repeated denial of the latter that any attack on her took place. Presumably we shall in due course be treated once more to the sight of Mrs. Price on the witness stand chewing gum and repeating with evident enjoyment the story of the rape upon her person. It may even be that a Negro will sit on the trial jury which once more finds the defendants guilty, and at this particular point "due process" will be satisfied and the ends of justice served. It is not likely that credible evidence of the rape will be adduced, no such evidence having appeared in four and a half years of litigation, but in Alabama so far this has not been necessary. We may be grateful, however, that the defendants are still alive and that the protection of our highest court has not been denied them

HELENA, ARK.
WORLD
NOV 1 1935

Now, Take the Shushan Case

A federal court jury of 11 white business men and a negro dentist in New Orleans acquits Abe L. Shushan, head of the New Orleans Dock board and lieutenant of the late Senator Long, on charges of evading payment of $71,000 of income tax over a five-year period. The government charged that Shushan concealed and failed to report about $500,000 of gross income during that period.

The jury apparently accepted the defense contention that Shushan received and disbursed this money as political contributions to the Long political machine. That's the only explanaion of the acquittal, since the government conclusively proved that the defendant received the money, including large sums from the company which won several dredging contracts let by the dock board and which "rebated" to Shushan personally two cents for each yard dredged.

The acquittal is a blow and a disappointment to Louisiana individuals and organizations who are fighting to break up the all-powerful political machine which Long left. They had hoped that Shushan's conviction would bring out other revelations that would help destroy the machine. Some of the transactions brought out and proved at his trial may help accomplish this but are not likely to be very effective since they reveal little more than had already been common knowledge and gossip as to methods used to finance the machine under the late Senator. This acquittal is the first set-back received by the government in the course of its series of prosecutions of Louisiana political leaders for income tax evasions. One is in the fedreal penitentiary. Five others are under indictment.

The question of most interest now is whether this acquittal will influence prosecution or results of the other cases.—Jackson Clarion-Ledger.

Jackson, Tenn. Sun
October 15, 1935

Negro On Jury In Federal Court In War Risk Case

A negro today occupied a seat in the jury box as the United States District Court heard a war risk insurance suit with Judge John D. Martin of Memphis presiding.

The negro, J. E. McNeely of Jackson, secretary of the Madison County A. & M. Fair Association was selected as an extra juror when a member of the regular trial jury was unable to serve. McNeely's name was next on the record for service as an extra juror.

Court officials declined to be quoted as to whether seating of the negro was a result of the recent United States supreme court decision in the Scottsboro case.

On peremptory instructions from the bench the war risk suit filed by Mrs. Annie Louise McLemore was retired following introduction of the plantiff's proof. The court was this afternoon hearing the suit filed by Charles E. Doran.

Suit brought by Elmer Stewart is set for hearing tomorrow. In the event the Doran suit is not completed today it will be the first order of business on the calendar tomorrow.

New York American

DEC 11 1935

Tennessee Judge Urges Negro Juries

CHATTANOOGA, Tenn., Dec. 10 (AP).—All-Negro juries to try Negroes in murder cases are recommended by City Judge Fleming.

He said that out of 1,100 Negro slayers in Chattanooga courts only "three or four" have been electrocuted and he believed all-Negro juries "would have sent every one of them straight to the chair."

New York Evening Post

DEC 10 1935

ALL-NEGRO JURIES URGED

CHATTANOOGA, Tenn., Dec. 10 (AP).—All-Negro juries to try Negroes in murder cases are recommended by City Judge Martin Fleming. He said that out of 1,100 Negro slayers tried in Chattanooga courts only "three or four" have been electrocuted and he believed all-Negro juries "would have sent every one of them straight to the chair."

Crestview Bulletin
December 19, 1935

DIXIE ACCEPTS NEGRO JURORS

Systematic Excluding of Negroes From Juries Results In Reversal of Decisions

Not since the Reconstruction days have the names of negroes appeared on jury lists in the South as they are today.

Jury duty was an unusual service for negroes in Dixie until the United States Supreme Court reversed the Scottsboro death sentences on the grounds that negroes were systematically excluded from the grand jury which indicted the nine Scottsboro negroes on charges of assaulting two white women.

Consequently, court officials are eliminating that point of criticism against the South's judicial system by having the names of negroes on jury lists. A negro, Creed Conyer, was on the grand jury which recently returned new indictments against the Scottsboro youths.

Undoubtedly negroes will be on the list from which will be drawn the jury that will try the Scottsboro cases again in Decatur, Ala., starting January 6.

In the Decatur, Ala., courtroom where the trials will be held, three members of the colored race were sworn in on the Morgan county grand jury recently.

The Scottsboro decision has resulted in motions being offered in several cases to squash indictments against defendants on the grounds that negroes had been systematically excluded from service on the grand jury.

Defendants succeeded in having indictments dismissed in Fairfax, Va., Mobile, Ala., and Clarksdale, Miss., while the motion for squashing was overruled in Norfolk, Va., Dothan, Ala., and other places.

A negro sat on the federal jury which acquitted Abe L. Shushan, Lieutenant of the late Senator Huey P. Long, of charges of evasion of income tax payments at New Orleans recently.

Members of the colored race have served on juries in Jackson, Tenn., Memphis, Tenn., Atlanta, Ga., Clarksdale, Miss., Decatur, Ala., Hays county, Texas, Williamsburg, Va., and many other Southern cities. The oldest court attaches in some Southern communities could not recall when a negro had served on the jury previously.

Two years ago a white man was fined $10 on a contempt of court charge for refusing to serve on a grand jury in which a negro sat. This case occurred in Fredericksbourg, Va.

The Texas state court of criminal appeals, in a decision in July declared that "mere absence of negroes from a jury panel is not enough to reverse conviction of a negro defendant. There must be some testimony to sustain an allegation of discrimination."

A law recently enacted in North Carolina increases the number of peremptory challenges which the state may have from four to six. This is expected to result in negro jurors being held to a minimum in North Carolina.

GREENSBORO, N. C.
RECORD

DEC 13 1935

All-Negro Juries.

City Judge Fleming, of Chattanooga, Tenn., thinks it would be a good thing to have all-negro juries to try negroes accused of murder. Out of 1,100 negro murderers tried in Chattanooga, he says, only three or four have been sent to the electric chair. All-negro juries, the judge believes, "would have sent every one of them straight to the chair."

A great many people have expressed the opinion that negro jurors would be harder on members of their own race than are white jurors. Until recently, when the United States Supreme court gave notice that verdicts against negroes convicted by juries from which members of their race had been excluded will not stand, negroes were not put on juries in the south. Now that the Supreme court has spoken, and that the southern states must become reconciled to the new order, it would, perhaps be well enough to try the Chattanooga jurist's recommendation. The recommendation is at least worth serious consideration.

Record
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All Negro Juries

We have long been interested in Judge Martin Fleming's view with reference to the enforcement of the penal laws in which the negroes are concerned. Judge Fleming has long expostulated on the subject of an all-negro jury to try cases where the parties to the prosecution are likewise negroes. Judge Fleming brought up his old time subject at a recent meeting of one of the service groups in the city. Judge Fleming's ideas coincide with ours on this matter. There are many lawabiding negroes of this city, they are good citizens, and yet they are forced to the humiliation of seeing their race constantly in the limelight of publicity because of the attitude of the vicious element of their race. Judge Fleming is able to show in his argument the lax enforcement of the criminal laws, especially in homicide cases. He favors a plan to take a jury composed of negroes, all freeholders or householders, and permit them to say what punishment a defendant deserves in a case where a negro was killed by a negro. We believe the plan would work, to the advantage of the negro race and to society in general. Just how such a change could be brought about we can't say. Maybe it might imply the passage of additional laws, and if so, we would like to see the laws enacted and give the plan a thorough try out. We have for a long time held to the idea that the vicious spirit shown with the negroes was the worst situation that law abiding members of the race had to contend with.

Courier
December 15, 1935

Negroes Drawn On Alabama Juries

Madison county, taking a tip from the supreme court, is now drawing negroes on its juries. For th first time since the War Between the States a negro in a state jury panel is sitting on a Madison county jury, and one in Montgomery. The Madison negro is Will Cogswell, a respected negro plumber, who was drawn to sit on the case of Clifton Stubbs charged with violating the prohibition laws.

Courier

May Be Worth Trying.

All-Negro juries to try Negroes in murder cases have been recommended by City Judge Fleming of Chattanooga, Tennessee. In making the recommendation Judge Fleming said that out of 1,100 Negro slayers tried in Chattanooga only three or four have been electrocuted and he believed all-Negro juries "would have sent every one of them straight to the chair."

Many people have expressed the belief that Negro jurors would be harder on criminals of their race than white jurors, but the Southern States have excluded Negroes from jury service. Now that the United States Supreme Court has put the States on notice that verdicts against Negroes convicted by juries from which members of their race are excluded will not stand, and the Southern States are becoming reconciled to this situation, it might be well enough to try Judge Fleming's recommendation.

Juries - 1935

PURGING OUR JURY LISTS

One of the most important tasks confronting the various commissioners of each county the job of selecting the names of the citizens and taxpayers who make up the jury list.

Every two years there is assigned to the board of county the job of selecting the names of the citizens and taxpayers who make up the jury list.

No matter how firm the judge may be, or how relentless a prosecutor the solicitor may be, their work is reduced to naught if the jury is composed of men who do not know their duty. There are too many juries in this State filled from time to time with what are known as professional jurors. that is, men who sit around the court house during court week for the purpose of being drawn as jurors, simply for the purpose of earning the per diem. Most of them are known personally to lawyers and court attaches. Most of them are putty in the hands of a shrewd lawyer and can be depended on to bring in satisfactory (?) verdicts.

To offset this necessary evil in our court system, if indeed it be necessary, the jury lists ought to contain the names of the most substantial citizens of the county. They ought to be men of intelligence, education and moral backbone. The News and Observer says:

"It is tremendously important, therefore, that jury lists in North Carolina be composed as far as possible only of those who are morally and mentally qualified. And in every county the list should contain all of those who are best qualified on moral and mental grounds. The commissioners thus should not only weed out the unfit but also take pains to include the names of those educated and intelligent people, in business and in the professions, who have in some measure and in some counties been ommitted in the past."

Another thing that confronts the county commissioners is the situation presented by the recent Scottsboro decision. It has been made mandatory that negroes should not be barred from serving on juries. Under the decision of the U. S. Supreme court in the Scottsboro case, the commissioners must deal with negroes as jurors. And they should be added to the jury list in the same manner in which other names are added.

As a matter of fact. we believe that the addition of negroes to the lists would be a most effective method of dealing with crime among the negroes. The better class of negroes would go further in punishing evil-doers from their race than a jury of professionals as described above. If a negro citizen is a taxpayer, and is upright and honest, endowed with the proper civic conssiouscnes, there is no reason why he should not make as good a juror as any one else.

The placing of names of reputable negro citizens in the jury lists would be in keeping with the spirit of the Supreme court decision. It, too, would go far toward removing any radical prejudices or any semblance of violence that might arise in case of a fiercely contested trial.

In Gaston county, there is a marked absence of any racial bitterness. The negroes and whites in this community dwell together in the utmost harmony. Not in years and years has there been the slightest sign of any trouble, and there is not even the remotest likelihood of any such trouble as long as the better element of both races maintain the same cordial relations toward each other.—Gazette.

Names Of Negroes Omitted From Cleveland Jury List

Negroes will not serve on Cleveland county juries.

The commissioners on Monday afternoon instructed the clerk, Troy V. McKinney, to take names from the tax books in preparation of a list from which juries for the next two years will be drawn. Other North Carolina counties, complying with the supreme court edict, placed the names of negroes on their lists fearing that verdicts might be contested if they did not do so.

The Cleveland commissioners made no issue of the matter, but simply ignored it. The list will be made as usual from the names of white taxpayers.

Shelby lawyers, asked this morning if they thought this procedure would cause trouble later, said that it would not.

"What lawyer in these parts is going to contest a verdict because there wasn't a negro on the jury?" one of them asked.

Charlotte, N. C., News
June 9, 1935

From Jungle to Jury.

All over North Carolina this month county commissioners are busy with their biennial jury list purging, a task of special significanse this year by reason of many of the counties adding to the list Negroes who are properly qualified for jury service. Mecklenburg is one. Union county is another. There are numerous others doing likewise.

The federal Supreme Court's Scottsboro decision is the immediate cause. The fear of high court reversals impels lawyers to so advise the officials. Back of that however, is another and deeper reason. It will not be understood by white extremists, nor viewed with sympathy by extreme thinking Negroes. It is a matter within the province of the level-headed and conservative of both races.

Since the subjugation of the red man this has been a white man's country, a fact admitted by all. The white man's customs are supreme and so are his laws. But as a racial foster child, came the black man, fresh from his savage forests and hills. He came against his desire and stayed because he couldn't do otherwise. The white man, with the *noblisse oblige* which came of his ancient civilization, undertook to guide the black man into enlightenment and make of him an acceptable citizen. The way has been marked by injustices on the one hand and failures on the other not profitable to discuss. But the fact that the black man in the South is now accepted as being fitted for an increased share of public responsibility is a tribute not only to his capability but to the white man's tutorship as well.

Negroes Excluded From Jury List

MEMPHIS, Tenn. (ANP)—The failure of Negroes to be called for jury service here this week led to the opinion that despite the decision of the United States Supreme court, Negroes would be excluded from the jury panel. The call was sent out several days ago but when the prospective jurors appeared before Judge Harsh Wednesday the Negroes were conspicuous by their absence.

NORFOLK, VA.
VIRGINIAN PILOT

JUN 8 1935

Why Not Starve Them?

Since the Supreme Court's Scottsboro decision, Negro jurors have from time to time been called into local service.

In only one instance thus far (we read in the news columns of our colleague, the Ledger-Dispatch) has a Negro served on a jury that had to be taken out for lunch.

The law requires that the jury be held together on these extramural occasions, so all twelve went to a Granby Street restaurant and ate at the same table.

Unaware that this simultaneous and mixed feeding was imposed on the group by statute law, some clients of the restaurant departed in a huff, with the result that the proprietor has notified court officials that they needn't bring their juries around to his place any more.

This is an unexpected complication. The Supreme Court is the Supreme Court and the law is law, but, also mores are mores. Sometimes the twain do not meet.

However, there are at least two solutions. Instead of taking the juries to meals, the meals can be taken to the juries.

But what if that plan, too, should run into difficulties—a mutual solicitude for the doctrine of racial integrity, for instance? Collective intramural feeding might subtly becloud the burnished shield of justice.

Should that difficulty develop, there will be only one thing to do—starve the whole bunch until they bring in a verdict. Not only would that be the cheaper way out of the dilemma, but it would tend to eliminate unnecessary card-playing, and would probably improve the quality of the decisions.

Virginia Justice

LEAVE IT TO THE SOUTH to invent new ways of circumventing the mandate of the United States Supreme Court and denying Negroes their contsitutional rights. Witness last week's event in Fairfax, Va. Two Negro women were indicted for arson by an all-white grand jury. Their counsel attacked the indictments because Negroes had been excluded from the jury. The Fairfax officials immediately retaliated by dismissing the indictments, impaneling an **all-Negro** grand jury, and re-indicting the defendants.

On the face of it, this seems to be an eminently fair action. But, after a moment's consideration, one must be forced to wonder by just what procedure was the jury commissioner able to impanel an ALL-Negro grand jury from a supposedly **closed** jury box. The law demands, and the United States Supreme Court has upheld it, that the names of **all** eligible jurors, black and white, be placed on individual slips in one box and that each slip be chosen blindly by the commissioner. Then, how did he manage to choose only Negroes in this specific instance?

The action of the Fairfax officials can only mean one thing—barring the most bizarre kind of coincidence. **It means that the names of white and Negro grand jury candidates are kept separate—in direct violation of the mandate of the highest court in the land.** Therefore, despite the elaborate pretensions of the Virginia officials, the two women there have been denied their constitutional rights.

This probably won't matter to Virginia, however. The women will be tried and most likely convicted just as speedily as if the jury question had never been raised. We only note the incident so that unthinking Negroes may not accord the native state of George Washington and Robert E. Lee a tribute it doesn't deserve.

NEGROES ON JURY LISTS

Wilson.—Shades of Scottsboro hovered over the regular monthly meeting of the county commissioners here when they voted to include negroes in the jury lists of the courts here for the first time in a number of years.

Lenoir, N. C. News-Topic
June 27, 1935

WILL PUT NEGROES IN JURY BOX SOON, HOOVER DECLARES

Unusual Procedure Will Be First Time In History Of Caldwell County

PLAN TO REVISE LIST

Purging Of Names Of Persons Eligible For Jury Duty Expected Here Soon

WILL ADD 200 NAMES

When the Caldwell county jury list is purged within the next week or 10 days, there will be a few members of the colored race included in the jury box, Clerk Fred H. Hoover said yesterday.

This unusual procedure, which will be the first time in the county's history that such action has been taken or permitted by custom, is occasioned by the recent ruling of the United States Supreme Court in the celebrated Scottsboro case, a new trial being granted because negroes were not included among those eligible for jury service.

It is not known, however, whether there will be any white women placed in the box.

The purging is a tedious task. There are perhaps 600 or 800 names on the list, and of that number many have moved from Caldwell county or have died. The law requires the addition of 200 names this year, and it is probable that the Board of County Commissioners, the Clerk of Superior Court, and the Sheriff will gather with the Register of Deeds to make the selections within a week or so.

Jury Service for Negroes

A correspondent recently prostested some points made in an editorial discussion of the Supreme Court's decision in the Scottsboro case.

The decision referred to was declared to be sensational because it changed the process of selecting juries in a whole state, and perhaps eventually in a number of states. It was a sensation to the interested Negroes as well as to the interested white people. It brought home to us the fact that while the system under which juries are selected was intended to get the very best men of each community for jury duty, here is a large group who are practically eliminated; and the court holds that such wholesale elimination is evidence of glaring race prejudice. The "sensation" grows out of the effect of the decision, and not out of the evidence on which it was based.

As to the "tyranny" of the decision, that term was used because the decision was clearly on a racial question. Granting that the Negro race has not been given its due, and that it is often discriminated against, and unjustly so, it is unfortunate that the Supreme Court should be forced to say in effect that Negroes must be eligible for or put on juries that pass on the guilt or innocence of a Negro prisoner because by implication only Negroes are peers of Negroes.

The mind naturally runs on into the further question, "what is a peer?" In the layman's acceptance of the definition, it is one who is equal. It is a match for people of like quality, they are comrades, fellow-associates. Then Chinamen are rarely the peers of Negroes or white people, yet the Chinaman cannot be naturalized in America, and cannot serve on juries. Hence he cannot be tried by his peers. So also with Japanese. Must the religious question come into the selection of juries? If the race question forces this issue, why should not the religious?

The whole theory is that a race would stand together against society in general. It would shield its criminals because they are of the same blood and not concerned with the welfare of the whole of society. They must stick to each other.

We have not come to the end of the jury system, but the decision heads us in that direction. Therein lies its tyranny.

It must be admitted that Negroes have some men and women who are capable of jury duty, and some white people get on the jury lists and into the jury box when they are totally unfit for the responsibility. But jury commissioners are sworn to select those who in their judgment are the best available material for doing justice in the jury box. Those commissioners may have been swayed by race prejudice. In many instances they no doubt have been, but it is almost certain that if the better educated and most highly respected of the Negro race, who for the most part are their professional element, had not asked to have their exemptions waived, Negroes would have served on juries. White people of a most desirable type are notoriously averse to jury duty, and the commissioners who make up the list leave their names out of the box to save trouble and expense to the public, and the same practice has been followed in the case of the professional people among the Negroes.

The best are none too good for jury service, and there should never be any reaching down to find "peers" if the peers are only in religious groups, racial groups, or in groups of nationality, social standing, financial standing, etc. Even if the Negro has been sidestepped, society is not helped by reaching downward to find jurors. If the Negro can be brought into the service on the same basis as the white man should be, then nobody can object. But unless that is done, the Supreme Court's decision in its effect on society will be tyrannical, and should lead to the abandonment of the jury system.

Negro Brings Up Jury List Issue

Freedom Sought by Chattooga Felon on Race Claim

ATLANTA, June 25 (AP).—Federal court records today showed another attempt to set aside the conviction of a Negro on the grounds that constitutional rights had been violated through alleged failure to include Negroes on jury lists.

Buddy Knox, Chattooga county Negro who was given a one to four year term for burglary, filed habeas corpus proceedings in federal court alleged that Negroes were "systematically" excluded from jury lists in Chattooga county.

Knox seeks release from the Polk county prison.

Judge E. Marvin Underwood ordered a hearing on the petition continued indefinitely after prison officials indicated they were not ready to proceed with an immediate hearing. The judge's order stated the case would be set for hearing later if counsel failed to agree upon a date.

Juries-1935

Winston Salem, N. C.
~~SENTINEL~~
Journal
JUN 11 1935

Must Put Negroes' Names on Jury List

(Special to The Journal)

Greensboro, June 10.—The Guilford county commissioners have deferred until July 1 the task of selecting the list of freeholders from whom regular jury lists will be made up during the next two years

They were to have acted in the matter today but were stopped by an order signed by Judge H. Hoyle Sink instructing them to prepare the jury names in manner conforming to the recent decision of the United States Supreme Court in the Scottsboro case, where it was held the names of Negroes must be among those from whom grand jurors and petit jurors are chosen if legal prosecution of Negro defendants is made.

There is a local flavor to the matter also since there is pending in the Guilford court a motion to squash the indictment of Dr. C. C. Stewart, Negro doctor charged with murder and abortion on the ground that no Negroes were considered for the grand jury and none would be available for the trial jury.

NEWS
Morganton, N. C.
JUN 14 1935

PURGING JURY BOXES.

Under a new law, enacted by the last legislature, it was the duty of the board of county commissioners, in every county in the state, on the first Monday in this month to purge the jury box of their respective counties.

The object is to remove from the box, from which juries are drawn, the names of those unfit for jury duty; those who have moved away; and those who have died, and to prepare a list of those who are mentally and morally fit to perform this high duty of citizenship.

Along with this comes a new innovation in North Carolina. Negroes qualified to serve on juries are to be placed in the boxes and drawn as the whites. It is reasonably supposed that the better class of negroes in each county will be selected for jury duty and hereafter we will have mixed juries as to races. According to a recent Supreme Court decision, this will prevent cases against negroes being thrown out of court on account of not having negroes on the jury, as in the Scottsboro case, in Alabama.

As to the whites, the commissioners have the opportunity to select the best there is in the citizenry of each county. As to the Negroes, North Carolina bows graceully to the decision of the Supreme Court, and it gives that race opportunity to strive to advance itself to a better citizenship, both menally and morally, to fill this public responsibility for its own people.

NEGROES AND JURIES

An innovation begins in this county in the matter of allowing negroes to serve as jurymen.

In view of the recent Supreme Court decision in the renowned Alabama case, originating at Scottsboro, the action of the county commissioners was not only logical but unavoidable if protection is to be given verdicts in the local courts in the future against being thrown out for the same reason that the Scottsboro verdict went out—that negroes were barred in that State from jury service.

With the inevitability of this course before them. the commissioners have acted properly and wisely.

There are now two duties incumbent upon all concerned, first upon the commissioners to be exceedingly careful in their selections of jurymen, not only as to the colored, but as to the white race as well and, second, a duty resting upon the negro citizenship of the community to strive to advance itself to that degree of mental and moral fitness to accept this public responsibility.—Charlotte Observer.

Make 3rd Attack on N. J. Grand Jury System

6-15-35

Only 5 Colored Have Been Caleld in 40 Years, Is Charge.

JUDGE DENIES DEFENSE MOTION

Calls Raising of the Race Question Unfair to Court.

NEWARK, N.J. (UNP) — An elaborate test of the effect of the United States Supreme Court ruling quashing indictments in the Scottsboro case because no colored served on the grand jury which indicted the boys was staged here Wednesday and Thursday in Judge Van Riper's Court.

Counsel for Henry Jordon of 97 Prince Street sought to have four robbery and attack indictments quashed on the grounds that Jordan was indicted by an all-white grand jury.

The court denied the motion Thursday on the grounds that there was a wide distinction between the facts in this case and those in the Scottsboro case.

This is the third and most elaborate test of the ruling in New Jersey It was first brought up in Elizabeth two months ago, then in Newark recently. A fourth and different approach to the question is being planned by Roger M. Yancey, attorney, in cooperation with the other lawyers and the local N.A.A.C.P.

Sheriffs Called

Counsel for Jordon called a number of witnesses to the stand to substantiate the charge that colored people were excluded from the grand jury.

The first were Sheriff Batchelor and former Sheriff Deuchler. Both denied discrimination.

Deuchler said he served as sheriff from 1926 to 1928 and grand jury lists were made from names chosen by himself and the jury commissioner from names recommended to them. He said he could not remember the names of colored jurymen being offered. He said he thought colored had served but added he could not remember definitely.

Long Period

Throughout the hearing on the writ, Assistant Prosecutor Leon Kapp kept insisting that colored people were named to petit jury service. Each time he said this defense counsel objected on the grounds that grand jury and not petit jury service was the issue.

Grand jury panels for years back were subpoened by defense counsel to prove that no colored servd between 1905 and 1926 and from 1927 to date. Dr. W. G. Alexander of Orange served on the grand jury in 1926 but he said on the witness stand he believed he was mistaken for white when the selection was made.

Alexander was asked by defense counsel about his service. He was also asked if he knew whether colored had served on the grand jury since he had. He replied no. He said he knew this because he could tell by reading the published panels.

"The grand jury selects only men of prominence in the community," he said, "and I know personally every colored person of prominence in Essex County."

Population Cited

Melvin Johnson, local editor, also testified that no colored had served since Alexander had and none before then back as far as 1905 about which time severel were called.

W. P. Burrell, father of the assemblyman, submitted statistics of the colored population in Essex County showing they composed one-sixth of the population. He also presented statistics of the heaviest populated third ward which showed colored were dominant there and at least some should have been selected.

James F. Lindsay, political leader, also testified and by a close familiarity with streets and numbers in the third ward added evidence to show that no colored had been selected.

Defense counsel emphasized the third ward situation in which it was almost inevitable that a colored person would be selected if discrimination were not practiced.

5 in 40 Years

The state called Judge Joseph H. Scotland, clerk in the county clerk's office who handled jury lists. He testified that William Van Blake, Bradley Cobb, James M. Miller, Dr. Alexander and Dr. J. A. Wormley were the only colored who had served on the grand jury in the last forty years.

Calls Attack Unfair

Judge Van Riper denied the motion. He said there was a wide distinction between the facts in Jordon case and those in the Scottsboro case.

He said:

"There seems to be no particularly good reason, no reason at all, as a matter of fact, why more colored people should not be called upon to serve on the grand jury.

"And now, while it does not enter at all into the legal conclusions in this case, I think it is only fair to say in passing that we all must realize that any attempt by means of this kind to inflame race prejudice is a little bit unfair, because we do not have any such situation here as exists in Alabama.

"We don't try defendants by mob violence here. There does not seem to be the least imitation that this defendant would have had any different result, I am satisfied from my knowledge of the colored citizens of this county, if the grand jury had been made up entirely of colored people. If the facts had warranted he would have been indicted just as quickly as by a grand jury made up entirely by white people."

Jordon's trial proceeded. He is accused of robbing and attacking women in twenty-two instances, four of which are being tried.

COUNTY'S JURY BOX UNDER FIRE

6-8-36

Lawyer With Negro Client May Lead Attack On Jefferson Lists

An early attack on the validity of Jefferson County's jury box was expected in legal circles here today following the decree by Governor Graves yesterday that the names of Negroes must be placed in the jury boxes of the state.

In "suggesting" to trial judges yesterday that the boxes be made to conform with all legal requirements," the governor said the step was advised to meet objections of the U. S. Supreme Court.

The Supreme Court Monday reversed the convictions of two of the nine Negroes held in the Scottsboro assault case on the ground that members of the Negro race were systematically excluded from the Grand Jury and trial jury rolls.

An attack upon the Jefferson County box, it was believed here, will be made by an attorney with

a Negro client through mandamus proceedings.

Circuit Court judges will not take an initiative on the validity or the invalidity of the box, J. Fritz Thompson, presiding judge of the court said. He declared they would not be permitted to by statute.

Solicitor George Lews Bailes declared there will be no change in the policy of his office until the Supreme Court holds the Jefferson County box invalid.

"We think we have a legal box," the solicitor said.

JIM CROW IN N. J. COURTS IS CHARGED

Exclude And Insult Race, Speaker Asserts

NEWARK, N. J., May 10—(UNP)—The Union county official who charged in the Amos Carr trial last week that no qualified member of the Race for service on the Union County grand jury was available in that area of prominent Race men "should be taken out and publicly whipped every day," declared Dr. W. G. Alexander civic figure in North Jersey for a generation, when asked to comment on the lack of Race grand jurymen in this section for from 12 to 20 years.

Dr. Alexander was the last man to serve on the Essex County grand jury 12 years ago. Carr's counsel cited this alleged prejudice as a reason Carr's indictment by the Union County grand jury should be quashed.

Prejudices Displayed

"In my experience as grand juror I found that many of the cases against Race members were far too trivial to even be brought to the grand jury; that the supposed evidence was often most flimsy and frequently openly doubtful; that police and detectives too often referred to members of the Race as "niggers" and even the grand jury clerk used this offensive term My experience indicated, however, that the membership of the grand jury has no ill feelings in associating and deliberations with the Race as members.

"The basic fault is undoubtedly with those who select the jurors that make up the jury lists; there can be no doubt that the names of Race members are purposely not included in these lists; for it is inconceivable by any law of averages, if even a small number were on the list, that at some time some Race member would not be drawn.

"During the term of Hon. Frank Sommer as sheriff in the days of the New Idea party at least three Race men, Dr. James Wormley, Dr. John Ballard, and Mr. VanDyke, all deceased, were called for service.

The Old "Gag"

"Finally after more than 20 years I received notice that I had been drawn. A few days later I received another notice that a mistake had been made and I had NOT been drawn. I personally told the sheriff that I doubted his veracity and defied him to explain how a mistake could be made. Two months later I was again advised that I had been drawn and this time I served.

"I feel that a vigorous group action would long since have corrected this condition. Many counties in the state, notably Middlesex, have representation very frequently."

NEGROES OF SOUTH NOT BARRED BY LAW FROM SERVING ON JURIES

Statutes Make No Distinction of Color as to Jury Eligibility

ATLANTA, April 2 (AP).—There are no laws in Southern states barring Negroes from jury duty although by custom comparatively few actually have been called.

This was emphasized today by officials of several states in noting the United States supreme court decision reversing the Scottsboro, Alabama, cases on the ground that Negroes were systematically excluded from jury duty.

Commenting on this matter Attorney General William McGraw of Texas said at Austin:

"Texas statutes and the conduct of criminal trials are in conformity with the decisions of the supreme court. Generally when (Negroes are) drawn for service a suitable excuse is presented and always accepted. Texans have demonstrated perfect ability to properly control the Negro question within the constitution."

Opinions Differ

Attorney General A. F. Seawell of North Carolina said the decision "gives us pause for thought. It may mean more appeal attempts to the United States court from verdicts of our court. The effect it will have cannot be predicted at this time."

From Assistant State Attorney General W. F. Barry, Jr., of Tennessee came the prediction that "I don't think that decision will have any influence whatever in the South except probably on a re-trial of those cases."

Negroes are eligible for jury service in Arkansas if they hold a poll tax receipt which is a necessary qualification for an elector. Assistant Attorney General Thomas Fitzhugh of that state said:

"It just happens that no jury commission selects Negroes for jury duty. It may be just a coincidence."

No Effect in Florida

Attorney General Cary D. Landis said the Scottsboro decision will have no effect on judicial procedure in Florida. Calling attention to the fact that there is no law in Florida to prevent Negroes from serving on juries and that jury lists are made up from qualified voters, the attorney general continued:

"Negroes are allowed to register to vote. They then become eligible to vote and are qualified for jury duty. Negroes have served on state court juries in Florida but not in recent years."

The office of the Mississippi attorney general pointed to the records of that state supreme court having set aside a conviction of a Negro sentenced to hang for killing a white man when the district attorney admitted that Negroes had been excluded from jury duty because of race and color. The court held that was sufficient to quash the indictment.

Jury commissioners in Alabama select the prospective veniremen and place their names in a box from which they are drawn by the presiding judge in open court. The commissioners are the sole judges of the qualification of jurors.

Negroes Serve on Juries

Attorney General John M. Daniel of South Carolina said Negroes "sit on some juries in some counties."

In Atlanta a few months ago the judge denied a motion to quash an indictment against a Negro on the ground that Negroes were excluded from jury duty. At that time a Negro was sitting as a juror on a civil case in Atlanta.

Attorney General A. P. Staples of Virginia, said:

"I do not know that we ever had Negroes on juries. I have not had opportunity to study the decision as yet, but if the supreme court has held it necessary to have Negroes on juries chances are we will have to take cognizance of it."

Oklahoma's Laws

Since Maryland's noted Euel Lee case two years ago, Negroes in that state have been included on every panel from which a jury is drawn and in some instances served on the jury. Assistant Attorney General Henderson said "Maryland had its own Scottsboro case two years ago."

In Oklahoma, Attorney General Mac Q. Williamson said the Scottsboro decision does not affect the administrative procedure in that state for jury selection.

He continued:

"In Oklahoma we have three jury commissioners in each county who have discretionary powers in drawing jury panels from lists of taxpayers. Jury commissioners in their discretion can select any reliable taxpayers whom they believe will make good jurors whether the selections be Indians, Chinamen, Negroes or whites."

NO NEGROES ON JURY, KNOX ASKS RELEASE

Federal court records yesterday showed another attempt to set aside the conviction of a negro on the grounds that constitutional rights had been violated through alleged failure to include negroes on jury lists.

Buddy Knox, Chattooga county negro who was given a one-to-four-year sentence for burglary, filed habeas corpus proceedings in federal court alleging that negroes were "systematically" excluded from jury lists in Chattooga county.

Knox seeks release from the Polk county prison.

Judge E. Marvin Underwood ordered a hearing on the petition continued indefinitely after prison officials indicated they were not ready to proceed with an immediate hearing.

Anderson, S. C. Mail
August 7, 1935

NEGROES—Names of negroes will go into all jury boxes in Alabama under provisions of the Welch bill passed by the House Tuesday and which will have attention in the Senate next week.

The bill gives any circuit judge the right to order the refilling of jury boxes. Many jury boxes have already been emptied and refilled and names of negroes have been included in the new jury lists. Some doubt had been expressed as to the power of a jury commission to empty and refill a box that had not been exhausted of its jury list. Under the Welch bill this doubt will be removed.

Greenwood, S. C. Index-Journal
August 8, 1935

NOT "FIRST TIME"

A local story in The Greenville Piedmont refers to the inclusion of names of Negroes in jury lists in the Western District of Federal Court for South Carolina as one "for the first time." The statement is an error of fact.

Negroes have served as jurors in Federal court in this State within the past fifteen years and possibly a shorter time than that. And from 1868 on down such jurors were quite common in Federal court, in South Carolina.

Further, Negroes have served on juries in State courts in some counties within quite recent times.

In an exceedingly important murder trial in Abbeville in 1884, a white man being tried for murder of a white man, there was one Negro member of the jury.

Only the names of Negroes who are qualified electors can be placed on the jury lists or in the jury box containing names of those eligible for jury duty. This qualification is fixed by the State constitution.

Anderson, S. C. Mail
August 7, 1935

Negroes May Be On U. S. Jury In City

The next session of federal court in Anderson in September will probably find negroes eligible on the list of jurors to be called upon to serve, it has been learned here.

Names of eligible negroes have been obtained from Clerk of Court B. C. Young, as well as from clerks of courts in other counties embraced in the Western District, and placed in the jury boxes.

An eligible negro is one who is a qualified elector: that is, has his name on the county registration books for voting in the general election.

Decision to place the names of negroes in jury boxes came as a result of the supreme court decision in the Scottsboro, Alabama, case in which a new trial was ordered following a death sentence imposed by a jury from which negroes had been excluded.

Juries - 1935

Anderson, S. C. Independent Trib.
April 16, 1935

May Have To Place Names Of Negroes In County Jury Box

Though no orders have yet been issued to that effect, it is possible that the names of negro citizens will have to be included in Anderson county jury boxes, as well as other jury boxes throughout the state, within the next several months.

This assumption is based on the recent United States supreme court decision in the Scottsboro, Alabama, case. This decision held that the names of negroes must be included in jury boxes, and governors of several Southern states have already issued orders that this be done.

In the Scottsboro case three negroes are charged with criminal assault on a couple of white girls. Following the first conviction a new trial was granted, and not on the heels of the second conviction defense attorneys, who are hired by a Communist organization, appealed to the supreme court on the grounds that the defendants were unfairly tried inasmuch as negroes are excluded for jury duty in Alabama, as in all other Southern states.

The supreme court ordered the new trial, and in so doing said in effect that no negro can be legally tried by any court which excludes from jury duty any part of the citizenry because of race or creed.

There is a possibility that most Southern states will ignore this ruling. They have ignored certain sections of the constitution for many long years and the federal government doesn't dare do anything about it.

No negores have served on the jury in Anderson county since 1880.

POINT PLEASANT, W. VA.
REGISTER

APR 5 1935

Negroes On Juries

THE supreme court of the United States has just handed down a decision regarding the conviction of two Negroes in Alabama, deciding in favor of the Negroes on the grounds that in the county in which they were convicted it has been the practice to exclude Negroes from the jury.

That probably means that hereafter Negroes will be permitted to serve on juries in southern states and elsewhere.

In our own Mason county there are always names of Negroes in the jury wheel. Occasionally they sit on juries. No one here questions that they make as good jurors as do persons of the white race. There are comparatively few crimes committed by Negroes in Mason county. The colored race is law-abiding here and no one questions the right of Negroes to serve on our juries.

A GENERAL CORRECTIVE

The prediction will come true that putting Negroes on the jury in the South will reduce the number of convictions of their people. It may come true that mob violence will increase as whites take the law into their own hands. But if they do, it is better to die at the hand of lynchers, savage and outlaw, than by courts which are supposed to be intelligent and just.

However the new rule affects trials, that will be the small part of the change brought about by this compliance with the Constitution. The big gain will be the new morale which will spring up in the Negro now that he can fight against outrages up on his property and person and not have the courts standing by to do his adversary's will.

In the rural South it has been worth a Negro's life to dispute a white man's word. The commissary, the very backbone of the southern plantation system, would be impossible were the worker able to bargain. The Negro's home which has been defenseless wherever lust has desired to walk in will come to be his castle which every American is given the right to hold against any invader. Wage controversies can no longer be settled by the employer, doubly secure in his own might and the certain aid of the courts.

The change of the Negro from a silent sufferer to a man with rights will be for the good of both races. The backwardness of the South is the same result found everywhere through all the ages where might has had no accountability. Kings and barons, monopolies and bullies are a blight. Only in the rare cases where might is dedicated to service can goodwil and prosperity abound. No matter wha gulf divides men, be it color or caste, the moment their ways lie apart and they ge out of sympathy with each other, the whole social order disintegrates.

Rome under the emperors, England under the barons, the South right down into our own day prove how little even the great have under a rule of hate.

To poor whites most of all it will be salutary for the Negro to become a man among men. Under the system they have played jailer for the condemned black. The pauperizing and brutalizing of these two unfortunates—a system all the more vicious because they have been taught to hate each other—is the reason why the one section of this country richest in natural endowment, lags behind the east, north and west.

FACE-TO-FACE WITH THE JURY PROBLEM

The South is again face-to-face with the problem of placing Negroes on juries. Again and again in numerous legal cases in the past forty years, notable among them being that of the Elaine rioters defended by the N. A. A. C. P., the ground was prepared for the recent Supreme Court decision in the Scottsboro cases.

After the Crawford case, Virginia saw the light and began calling Negroes for jury service. The Governor of Alabama has called upon public officials there to do likewise. Other Southern States will soon have to do likewise or their entire judicial system will be imperiled.

The time will come within the life of most of us when the sight of a Negro on a Southern jury will be no uncommon sight. Then there will be more of a semblance of justice in that section of the country.

This can only be won by continual fighting. We must not pause satisfied with what little has been accomplished. We must push forward ever bolder for what we know to be right and for our best interests. This fight requires money. Every case in which race prejudice obviously plays a part and where Negroes have obviously been excluded from jury service should be vigorously prosecuted to the highest court in the land. In the end the entire South will yield if we are resolute, because right and justice are on our side.

Virginia First To Put Race Man On Grand Jury

HARRISONBURG, Va., April 19.—John Edward Black, one of the outstanding Race citizens of Harrisonburg and a distinguished World War veteran, was further honored Monday when he was the first member of his race to sit on a Rockingham county circuit court grand jury.

Mr. Black and six other members of the grand jury returned a dozen indictments, all charging more or less minor crimes. The most serious was a manslaughter charge growing out of an automobile accident. Mr. Black has been the recipient of congratulations from all parts of the state since the announcement was made that he had been drawn for grand jury service.

Although he has been on the jury list for a year, he was not drawn for jury service until this term of court. Judge H. W. Bertram ordered the placing of names of Race citizens on the jury list after the first Scottsboro decision and the complications involved in the Isley case extradition proceedings between a Boston federal court and Virginia.

So far as can be learned here Black is the first member of his generation to serve on a jury here. Back in 1880, the Rev. G. A. Newman, venerable pastor of the AME church here and the late Morgan Tams, served on the petit jury of the old circuit court, which then embraced Shenandoah, Rockingham and Augusta counties. The best information is that they were the last of the Race to do jury service here and Mr. Black is the first Race man ever to sit on the grand jury.

Mr. Black is a member of the garage firm of Wells and Black and has built up a profitable business. He is an expert mechanic and is in almost constant demand as a chauffeur. He is a charter member of the Newman-Washington Post, American Legion, and one of its leaders. When the local Elks, Masons and the Knights of Pythias were active in colored fraternal circles here, Mr. Black was one of the leading figures. He is a life-long member of the Baptist church.

In 1917, he enlisted in the United States army and was assigned to Company C, 367th Infantry, New York Regiment of the 92nd division, knwn as the Buffaloes. He saw more active service than any other colored soldier from Rockingham county. He served in the St. Vosges, Meuse, Argonne and Marbach sectors and was in the front line trenches for 42 days. He was decorated by the French government with the Medaille de Verdun.

Mr. Black, unmarried, resided here with his mother. As a boy he earned his living as a porter in a department store. He then served as an apprentice under the pioneer automobile mechanic in Harrisburg.

The summons of Mr. Black for grand jury service came as a complete surprise to him. Of a retiring nature, he was reluctant to discuss the honor conferred upon him. However, he said he was perfectly willing to carry out his citizenship duties just as he was willing to defend his country in France.

The Right Attitude on the Jury Question

IT HAS BEEN refreshing to read some of the comments in southern newspapers upon the question raised, in Virginia by the CRAWFORD case and throughout the South by the recent Supreme Court decision in the now famous Scottsboro case. A large majority of the commentators agree without hesitation that there should be no further circumvention of the constitutional right of Negroes to serve upon juries; a few hope and others predict that the circumvention will continue; and a still smaller number—strange to say—apprehend that to accord Negroes the right and privilege will "disturb peaceful race relations." Stranger still, that apprehension is felt among some court officials.

The *Norfolk Ledger-Dispatch* is among the newspapers that would like to see the matter settled right in the only way that it can be justly settled, by Negroes doing actual rather than potential jury service. In an editorial entitled 'When Negroes Judge Negroes,' which is reprinted in these columns, the *Ledger-Dispatch* expresses its mind upon some of the possible results that may flow from service upon juries by an equitable number of qualified members of the race. Our readers will find the points raised interesting, and we venture, in accord with their own views, in large part.

Many of us have felt that white juries are often disposed to deal too lightly with members of our race who do violence to other members, the light judgment being rendered as a consequence of the feeling that it is not a very serious or grievous thing for one Negro to do violence to another. Still, we do not believe that any sane Negro juror would go beyond the point of meting out adequate punishment provided by law for a clearly established offense, and in doing this we believe that he would be treating the man so convicted, as a criminal, rather than as a "Negro criminal."

What happened in slavery days, when black foremen often punished excessively when left to their discretion, would hardly happen today, because the same set of psychological circumstances would not rule.

State Courts Queried On Negro Jurors

NEWNAN, Ga., April 27.—(AP)—Judge W. L. Stallings, of the city court of Newnan, said today he had sent queries to several Georgia cities as to whether negroes are included in grand jury and petit jury lists, in view of the recent decision of United States supreme court in the Scottsboro case from Alabama.

The judge said queries were sent to court clerks at Athens, Savannah, Augusta, Columbus and Brunswick, but that the only reply so far had been received from Athens.

"They advised me in Clarke county that negroes were included in jury lists about 35 years ago, but that they had not been included recently," Judge Stallings said.

He said jury commissioners in this (Coweta) county had not considered the question yet, and would not meet until the first Monday in August.

Negro Women Demand Place On Jury Lists

Alabama Group Told No Action Will Be Taken Until April 30

BIRMINGHAM, Ala., April 23.—A group of Negro women workers visited Jefferson County Court last week and demanded their names be placed on the jury lists in accordance with the recent Scottsboro decision, wrested by the mass fight from the U. S. Supreme Court.

The women were told by Circuit Court Clerk Andrews that no action could be taken on the matter until it is taken up by the Alabama Legislature, which convenes on April 30.

The high court's decision, handed down April 1, upheld the contentions of the International Labor Defense that systematic exclusion of Negroes from Alabama juries violates the constitutional rights of the Scottsboro defendants and the Negro people.

On April 5, Gov. Bibb Graves stated that Alabama must bow to the decision, and ordered all Alabama courts and jury commissioners to "put the names of Negroes in jury boxes in every court of the State."

Lexington, Ga., Echo
April 18, 1935

NEGOES ON THE JURIES

(Sandersville Progress)

The Supreme Court of the United States has decided that the Alabama Negroes who are charged with criminal assault are entitled to a new trial because there were no Negroes on the grand jury that indicted them or the traverse jury that convicted them, and therefore a new trial will be held, and arrangements made to have the juries composed partly of Negroes.

This is not a new arrangement in that state. Several years ago a Negro was arraigned for trial at Union Springs, the charge being the poisoning of some of his relatives in order that he might get their property. Negroes served on the jury and the verdict of guilty was unanimous, carrying the death penalty. At various times other Negroes were tried for murder, and the county officials always arranged to have Negroes serve on the jury in every instance, verdicts of guilty being rendered whenever the evidence was sufficient to convict, and the criminals were legally executed by hanging, including a Negro woman who had choked a dissolute white woman to death, stripped her of her clothing and left her body lying near the Montgomery & Eufaula railroad tracks.

The decision of the Supreme Court may result in a number of new trials on the same grounds that brought about the demand for another court hearing of the Scottsboro prisoners, as it has not been customary to have the names of Negroes in the jury boxes of some of the southern states, the selection of jurors generally being made from the most intelligent citizens of each county, and this excluded them.

A member of the Alabama legislature has prepared an act to be submitted for approval which will confine the selection of jurors to the qualified voters, which will exclude both white and colored citizens from service in this capacity who have failed to qualify themselves for the duties of citizenship, and this will solve the problem in many counties where there are comparatively few Negroes who are thus qualified.

Juries - 1935.

JURY LIST CHANGE FOR NEGRO NAMES ASKED BY GRAVES

Constitution 4-6-35

Alabama Governor Sends Suggestion to Officials Based on Decision in Scottsboro Case.

Atlanta Ga.

MONTGOMERY, Ala., April 5.—(AP)—A revision of Alabama jury lists to include the names of negroes was called for today by Governor Bibb Graves in view of the United States supreme court decision in the Scottsboro case.

The governor wrote his suggestion to circuit judges and solicitors throughout the state after receiving the official decision and included copies of it.

He also announced he would ask the legislature when it reconvenes April 30 for such legislation as may be necessary to cover the dumping and refilling of Alabama jury boxes from which the names of jurors are drawn.

The supreme court a few days ago set aside death sentences imposed on two negroe defendants in the Scottsboro attack case holding that negroes were "systematically" excluded from jury rolls in Jackson and Morgan counties with infringement upon the constitutional rights of the accused.

Governor Graves asserted this meant the names of negroes must be placed in the jury boxes of the state.

"Holdings of the United States supreme court are the supreme laws of the land," the governor declared. "Whether we like the decisions or not, it is the patriotic duty of every citizen and the sworn duty of every public officer to accept and uphold them in letter and in spirit.

"I have received the supreme court's decision in the Scottsboro case, holding in effect that when there is systematic exclusion of negroes from juries, it is discrimination against the race in violation of the United States constitution. This decision means that we must put the names of negroes in jury boxes in every county in the state."

State Must Observe Law.

"Alabama," he added, "is going to observe the supreme law of America."

Saying it was unusual for the governor to make suggestions to the judiciary on matters particularly within its own field, he asserted he felt it his duty to write "our trial judges inclosing a copy of that (Scottsboro) opinion and saying that I do not assume or intimate that the contents of their jury boxes in any way fails to conform to all legal requirements, but suggesting that in event there may be non-conformity, they speedily take proper steps to remedy any defects and call their attention to the jury law of 1931."

With reference to pending cases the governor advised that if the question of absence of negroes' names from jury rolls be raised the case could be continued or nol prossed until the boxes were refilled to meet the constitutional requirements.

Refilling jury boxes will place negroes' names on the rolls and in the boxes for the first time since reconstruction days in many counties.

ALL-NEGRO GRAND JURY IN VIRGINIA

Fairfax Judge Dismisses Indictments against Colored Women

FAIRFAX COURT HOUSE, Va.—A special session of the Fairfax grand jury, the first in many years with colored men on the panel, met here Friday on orders of Judge Walter McCarthy.

The session was called following the action of Judge McCarthy several days ago in dismissing indictments against two colored women when the technical point was raised that no colored men had been on the panel which returned the indictments charging arson. His action was in line with the Scottsboro decision of the United States Supreme Court.

Counsel for the women, Louise and Mary Carpenter, cited the Scottsboro decision holding an indictment void because no colored men had been included on the jury list. Judge McCarthy quashed the indictments and ordered a new panel with colored members.

Members of the grand jury are: Alexander White, foreman; Atanor T. Payne, Henry Page, John R. Pearson, Joseph E. Collins, Otis Wade and Ollie W. Tinner. The latter is a teacher in the Francis Junior High School in Washington, but all are residents of Fairfax County.

First All-Colored Grand Jury in Virginia

Jurors 6-8-35 Washington, D.C.

What is believed to be an unprecedent event in the history of Virginia and southern courts took place in Fairfax, Va., 14 miles from Washington—when an all colored grand jury was inpaneled, May 24.

The regular grand jury composed of white persons returned true bills of indictment for arson against two colored women of the county earlier in the week. The attorney for the women raised the point that the indictment was illegal because the jury was composed entirely of white men and that no Negroes' names were on the jury list. The judge sustained the challenge and ordered a new panel. The new jury was drawn from the qualified voters' list of the county and consisted of members of the Fairfax County-wide Colored Citizens' Association of which Rufus Hamilton is president and Alexander White, vice president. Seated left to right are Otis Wade, Falls Church; Alexander L. White, foreman. Sideburn, and Atanar Payne, Fairfax. Standing: Ollie W. Tinner, Falls Church; Joseph E. Collins, Merrifield; John R. Pearson, Fairfax, and Henry Page, Fairfax.

The new jury returned indictments against the women.

INTERRACIAL DIRECTOR LAUDS GRAVES' MOVE

Constitution 4-7-35

By the Associated Press.

The move of Governor Bibb Graves to add negroes to the jury rolls in Alabama is a step "which sooner or later will have to be taken not in Alabama only but throughout the south," Dr. Will W. Alexander, director of the Commission on Interracial Co-operation, said here Saturday.

Atlanta Ga.

The interracial commission is composed of leading negro and white citizens of the south banded together for the mutual interest of each race. They have taken a leading part in urging the rights of the negroes before the law and otherwise.

Commending the governor of Alabama for his move to meet the criticism of the supreme court in reversing the Scottsboro case, Dr. Alexander said "The sooner we begin to work out this and other problems involving the normal civil rights of the minority groups the better it will be for all concerned."

In his statement the executive director said:

"Governor Bibb Graves' recommendation that steps be taken at once to include negroes on the jury rolls of Alabama appears to be a wise and timely step, in view of recent supreme court rulings. One need not anticipate that Alabama justice will suffer in any way from the inclusion of such negroes as are clearly qualified for jury service by intelligence and character. Negroes of this type are as deeply interested in good government as white people are and if called as jurors, may be depended upon in general to serve the state just as conscientiously.

"In some cases this step might even mark a gain in the equal functioning of justice in relation to negroes, certainly it would greatly improve the morale of negroes and their confidence in the justice of the government under which they live.

"It is obvious also that this is a step which sooner or later will have to be taken, not in Alabama only, but throughout the south. The sooner we begin to work out this and other problems involving the normal civil rights of the minority groups, the better it will be for all concerned. Governor Graves is to be commended for his leadership in this direction."

FIRST COLORED JUROR IN MANY YEARS SEATED

Reminder

Attorney George R. Brawley Shatters Gentlemen's Agreement Against Colored Jurors

6-8-35

THREE PLACED ON LIST

Thomas Phillips, Widely Known Political Figure To Hear Evidence

Indianapolis

MUNCIE, Ind., June 7.—(Special)—For the first time in thirteen years a colored man sits upon a Delaware county jury.

This represents a distinctive victory won through the bull-dog efforts of George R. Brawley, widely known local attorney.

Brawley, handling the case of a man charged with larceny in which a jury trial had been demanded, requested the inclusion of colored persons on the jury. He cited recent United States and Indiana Supreme Courts decisions which have held that neither colored persons or women should be excluded from jury service.

Even in the face of the famous Scottsboro Jesse Hollin's decision by the U. S. Supreme court and Rocco Walter decision by the state supreme court, it was generally understood here that neither women or colored persons were likely to serve on Delaware county juries for many years to come. The expedient depended upon to accomplish this was continuation of the practice by the jury commissioners of placing only the names of white men on the lists of prospective jurors whether chosen from the tax duplicates or from the county commissioners districts.

Makes Forceful Plea

In his argument before Judge L. A. Gutherie, of the Delaware Circuit court, Attorney Brawley, during a brilliant speech requested that persons known as colored and classified as Negroes be permitted to serve and impanaled for jury service in the case in which he was the attorney.

Despite the general impression in this hot bed of race prejudice, Judge Gutherie ordered the jury commissioners to place the names of colored persons in the ballot box, and, further, that colored persons be drawn for service in the case mentioned.

For the past five years Mr. Brawley has been active in movements to secure the equal enjoyment of the local business and professional men's organizations, various churches, lodges, and other organizations.

Demand Recognition

Colored people form 9.2 of the city's population and should be recognized in matters of public welfare and government, Mr. Brawley believes.

Thomas Phillips, court house employe and widely known throughout the state in political circles, is the juror selected. Two others, Ralph Pettiford, upholsterer and Anthony Lewis were brought into court as prospective jurors, but were excused because Pettiford is an interested party and Lewis was not a householder or freeholder.

Brawley is defending Gailand Hickenbottom accused of stealing ten doors, nine windows a bath tub and other articles from a vacant house owned by the First Rural Loan and Savings company, of which Pettiford is a depositor.

No Exclusion Here

In many other counties in Indiana it is known that colored persons have not for a long time, if ever served as jurors.

In Marion county in which Indianapolis is located, colored persons serve as jurors to such extent that it has never been charged that colored persons were excluded from jury service.

Concord, N. C. Tribune
June 6, 1935

Negroes Not To Serve On Cleveland Juries

Shelby, June 5.—Negroes will not serve on Cleveland county juries.

The commissioners Monday afternoon instructed the clerk, Troy V. McKinney, to take names from the tax books in preparation of a list from which juries for the next two years will be drawn. Other North Carolina counties, complying with the Supreme Court edict, placed the names of negroes on their lists fearing that verdicts might be contested if they did not do so.

The Cleveland commissioners made no issue of the matter, but simply ignored it. The list will be made as usual from the names of white taxpayers.

Monroe, N. C. Enquirer
June 10, 1935

NEGROES ON JURIES

If I mistake not, this idea of negroes sevring on juries started dowr in Alabama in the trial of the famous Scottsboro case where several negro boys have been tried and retriec for criminal assault on a couple o white girls—hoboes. Demand wa made that negroes should be includec on juries hearing the case, and the Supreme court upheld that the colorec man should not be excluded from jury duty.

Hence, the time has arrived, while negroes do not have opportunity to vote, he is not debarred from the jury box.

But that does not mean that the brother in black is soon going to sit with white men on juries. Many objections will be made, and susstained, to keep him out. In fact, few white men would be willing to serve for jury duty with black men.

Then, too, the time is coming when women will serve on juries the same as men here in North Carolina. The ladies have the right to vote and also have the right to serve on juries. But a holy row is in prospect when the women folk serve on juries with negroes. In murder trials often jurymen are kept together days on end. We have a real social problem confronting us that will be difficult to solve satisfactorily.

But, when negroes are not "drawn" for jury duty, cases tried may be thrown out of court or new trials granted.

[illegible], N. C. Home
June 5, 1935

Names of Negroes Must Go in Jurybox

The North Carolina law requires the county commissioners to revise the jury list each two years, this being the time for such revisal. The Union county commissioners, like all the others in the state are up against the proposition of incldng the names of negroes on the list.

This is in consequence of a decision of the supreme court of the United States some time ago that negroes could not be exempted from the jury box on account of color. They must be selected according to the same rules that whites are put on the list.

The process of selection is this: The clerk of the board makes up a list of all names on the tax books, including only those who have paid their taxes for the preceeding year, in this case, 1934. These names are furnished the commissioners who then go over them and select all whom they deem qualified by character and intelligence to sit on a jury. These names are placed in the box and become the jury list for the next two years. When court comes on the commissioners draw the juries from this box, the drawing being done by a child too young to read.

There will be a number of colored men in the county who are tax payers and have paid their taxes for 1934. Their names will be included. Then the commissioners will pass on their qualifications the same as white men. Of course when it comes to a trial jury the same rules of exemptions and challenges apply to all.

Yesterday the commissioners directed the clerk to prepare the lists and this will be gone over by the commissioners at their next meeting. Negroes have not served on juries in North Carolina since the white supremacy campaign in 1898, but some will soon serve on them.

Wilmington, N. C. News
June 5, 1935

OFFERS TO PLACE NEGROES ON JURY

ELIZABETH CITY, June 5.—(AP)—Judge I. M. Meekins, presiding over a special term of U. S. district court here today, offered to place 10 negroes on a jury to try another negro charged with liquor tax evasion, but he denied a motion by the attorneys for the defense that the indictment be quashed on the ground that names of negroes were not on the jury list.

Then the judge offered to send for a negro and put him on the jury, or to allow Defense Attorney Sawyer to exhaust his ten challenges and then the judge would place ten negroes on the jury.

"I don't want to be sensational, your honor," said Sawyer, chairman of the democratic executive committee in Pasquotank county. "I'm a democrat and head of the democratic party in this county."

"There has been no effort to keep negroes out, declared Judge Meekins. "There have been negroes on federal juries in New Bern, Wilson and Durham."

Anderson, S. C., Record
August 8, 1935

NEGROES ON JURIES.

Negroes will be summoned for jury service in United States district court for the Western district of South Carolina when the court convenes in Rock Hill during September. It will mark the first time negroes have ever been called for jury service in the federal district court.

The qualifications for service are the same as those for white jurors. The negro venireman must be a qualified elector, being able to produce a registration certificate.

The action of the federal court in summoning negroes for service on juries is taken on the strength of the United States supreme court decision in the famous Scottsboro cases.

The calling of negroes on juries will be a new departure in South Carolina courts and the reaction of the general public will be watched with interest.

Juries-1935

GEORGIA STATE OFFICIAL THREATENS SECESSION RATHER THAN HAVE NEGROES ON JURY

By Dan Pope

Christopher News Agency

ATLANTA, Ga. - (CNA) - "We still have the right to secede" was the reply of Tom Linder, leading state official, to the recent Scottsboro decision holding unconstitutional the exclusion of Negroes from juries. 4-27-35

New York Times

" Democratic Party Is 'White Man's' "

This statement appeared in an article published in the 'Market Bulletin', official organ of the Georgia State Department of Agriculture. The article continued:

> "The Democratic Party is supposed to be a white man's party. Let's see how far we have wandered from this.
>
> "The United States Supreme Court a few days ago reversed all the courts of Alabama in a case where some negroes had been convicted of an assault on two white women, on the grounds that no negroes were on the jury or in the jury boxes.
>
> "I notice where the Governor of Alabama has ordered names of Negroes to be put in the jury boxes.
>
> "It is extremely difficult for white men in Georgia to realize that this has happened in the sister State of Alabama.
>
> "I ask you men and women of Georgia - do you intend to submit to this kind of a proposition? Do you intend to submit to the proposition that no Negro can be convicted of assault on a white woman unless Negroes sit on the jury to try him?
>
> "Remember. No question is ever settled until it is settled right. We still have the right to secede."

Linder and Governor Eugene Talmadge are leaders of the anti-Negro Democratic political machine in Georgia. It was this machine which railroaded a young working-class leader to an 18-20 year sentence on the Georgia chain gang. Herndon is free today on $15,000 bail raised from

members, followers and friends of the International Labor Defense. His case is now on appeal in the U.S. Supreme Court

In the state of Georgia, the unconstitutional exclusion of Negroes from juries is a matter of common knowledge. Herndon was indicted and tried by grand and petit juries from which Negroes were brazenly excluded in open defiance of the United States constitution.

Negroes Not 'Good Enough'

When this question was raised and fought in the Herndon case, by John H Geer and Ben Davis Jr., I.L.D. attorneys, the answer of the Fulton County (Atlanta) jury commissioners was, "we know of no Negroes in Fulton County competent to serve on juries."

Thus when Mr. Linder speaks in defense of the lily-white jury system of Alabama, he is protecting the lily-white government of Georgia which prides itself on the Ku Klux Klan oppression of its Negro citizens.

Juries-1935

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HARLEM HEARINGS REVEAL BARRING OF NEGROES FROM NEW YORK GRAND JURY

Victims Of Police Brutality Testify At Stormy Session

Crusader News Agency
4-27-35

NEW YORK - (CNA) - A bombshell was thrown into the Mayor's Committee hearings last Saturday when James W Ford, vice-president of the L.S.N.R., raised the question of exclusion of Negroes from grand jury service in New York county. New York, N.Y.

The question came as a climax to a session which bristled from start to finish with sharp clashes between spectators, committee members and the police department.

Ford asked witness Malloy, who testified before the grand jury on the murder of young Lloyd Hobbs, whether he had seen any Negroes on the grand jury. Malloy said loudly - "No". Malloy also declared that the officials of the grand jury attempted to discredit his testimony because he stated that young Hobbs was cold-bloodedly shot down for no cause whatsoever.

No Negroes On Jury

Arthur Garfield Hays, the oldest practicing attorney in the courtroom, and chairman of the session, stated that he had never seen a Negro on the grand jury, although some had served on petit juries.

He then asked the audience, which was filled with practicing attorneys and representatives of the city administration, whether they had ever seen a Negro on the grand jury. All of them stated that they had not.

Edward Kuntz, International Labor Defense attorney, remarked at this point that "it seems Decatur, Alabama, is ahead of New York in the matter of Negro jurors".

A noticeable rumbling swept through the crowded courtroom, causing the chairman to sound his gavel for order.

No one present contradicted any of the statements to the effect that Negroes are barred from New York county grand jury service.

CANANDAIGUA, N.Y.
DAILY MESSENGER

APR 23 1935

ALABAMA TO REFORM JURIES

"Alabama is going to observe the supreme law of America." With the wholeheartedness which these words reflect, Gov. Bibb Graves has accepted for his state the United States Supreme Court decision in the Scottsboro case.

Holding that Negroes were "systematically" excluded from juries in Jackson and Morgan counties, with consequent infringement upon the constitutional rights of the accused, the Supreme Court has set aside death sentences imposed on two Negroes. Governor Graves observes:

"Holdings of the United States Supreme Court are the supreme laws of the land. Whether we like the decisions or not, it is the patriotic duty of every public officer to accept and uphold them in letter and in spirit.... This decision means that we must put the names of Negroes in jury boxes in every county."

Alabama's attitude will receive commendation wherever the importance of the American requirement of equality in the courts for all, regardless of race, is properly appreciated. Governor Grave's emphasis on upholding the Supreme Court's decision "in spirit" as well as in letter, and his order to revise jury lists to meet the requirements of that decision, indicate that Alabama is sincerely attempting to correct a condition which otherwise must have unfortunate effects on the general regard for American laws.

It should be recognized that living up to this promise will entail difficulties and perplexities which states farther removed from racial problems can but partly understand. Not only legal tangles but reservations sanctioned by sentiment and tradition will have to be dexterously and tactfully handled. Other southern states are aware of the implications in the Alabama stand. But it already has been indicated that some of those states will follow Alabama's lead — a lead, it should be noted, that calls for support of the supreme law "in spirit" as well as in letter.—Christian Science Monitor.

Negroes Eligible For Jury Places In New Orleans

Equitarian
6-5-35

NEW ORLEANS, June 5—(AP)—For the first time since reconstruction days negroes are to be made eligible for jury service in New Orleans.

On petition of the jury commissioners Judge William J. O'Hara signed an order authorizing the commission to open the wheel of 700 names in order to determine whether the list of names complied with the ruling of the United States Supreme Court in the Scottsboro case. Montgomery, Ala.

In that case the Supreme Court ordered a new trial in the cases of two negro boys, convicted in Alabama, in the attacking of a white woman, on the claim of the defense that negroes were excluded from jury service.

Several days ago the jury wheel in Jefferson Parish was opened and the names of negroes were entered for trial of a case involving a negro attacker.

Application for permission to examine the Orleans Parish jury wheel was made by William P. Dillon, Dr. Frank S. Oser and Jules A. Moustier, members of the jury commission.

The court order authorized reopening of the wheel to make "a check of the names therein contained for the purpose of ascertaining whether the jury wheel as it now stands complied with the decision of the United States Supreme Court in the Scottsboro case."

be considered by the county board in choosing the names from the tax scroll, he said, were that such persons should have paid all their taxes for the preceding year, should be of good moral character and of sufficient intelligence for the service.

In addition there are certain exemptions, such as doctors, lawyers, firemen, etc., who will not be called.

Mr. Fisher said that in view of the recent decision by the United States supreme court in the Scottsboro case it will be necessary to include negroes of good character and intelligence, also, he thought, women tax payers of all races of character and intelligence. Otherwise, he said, all litigation in superior court stands in danger of invalidation.

Charlotte, N. C., News
May 31, 1935

Board To Pick List Of Jurors

County Attorney Fisher Prepares Set Of Legal Qualifications To Aid Board.

County Attorney Henry E. Fisher today was preparing his set of legal qualifications for those citizens to be selected by the board of county commissioners for the jury list for the next two years.

The only three qualifications to

Juries- 1935

Newton, Ga., News
November 15, 1935

NEGROES ADDED TO DOUGHERTY LIST

ACTION FOLLOWS DECISION OF U. S. SUPREME COURT RECENTLY.

Dougherty Courty Jury Commissioners have added several Negroes to the Superior Court jury lists in that County, according to a news story carried by The Herald Thursday. The jury list has recently been revised.

The Supreme Court held in one or two cases recently that Negroes convicted of crimes were denied their Constitutional rights because the states in which they were tried do not permit Negroes to serve on the jury. Following this decision several judges have advised the inclusion of the names of Negroes on jury lists, as otherwise every case where a Negro is convicted of crime will be subject to overrule by the Supreme Court.

Miami, Fla. Herald
November 7, 1935

HISTORY in Alabama. Two negroes were included in the 36 names drawn for probable jury service in the trial of the nine negroes in the notorious Scottsboro assault cases. The special Jackson county grand jury is to convene November 1: to return indictments. This is the first time that blacks have been placed on a jury in that county. The action is the result of the order of the United States Supreme court ruling that the indictments were illegal because negroes had been barred from the jury. Colored men sitting in judgment on members of their own race. Only perhaps they won't. They may be excused from final service.

Albany, Ga., Herald
November 14. 1935

Negroes Included In Superior Court Revised Jury List

Colored Persons Put in New Box After Decision of U. S. Supreme Court.

The names of several Dougherty County Negroes have been placed in the Superior Court jury boxes by the jury commission, it was understood today. The new jury list, recently revised, has been placed in the office of Howard Clark, clerk of the court.

B. C. Gardner, judge of the Superior Court, Albany District, advised the commission to include the names of Negroes in the revised jury list after a ruling had been passed down by the United States Supreme Court to that effect.

The Commission, of which Ike Ehrlich is chairman, consists of Mr. Ehrlich, M. M. Wiggins, C. I. Owens, Sam Yarborough, Tommy James and M. W. Hester.

It is appointed by Judge Gardner and meets every two years to revise the jury list. The names on this list are secured from the tax digest, clarifying much controversy regarding the failure of several names to appear on the list.

Often times members of the commission are approached by persons whose names are not on the tax digest, inquiring why their names do not appear on the jury list.

Every possible effort is made to secure the names of all eligible males in the county to include in the jury list, but those whose names do not appear on the tax digest are often overlooked. It is not required by law that the commission include all names on the list, but its members try to secure as great a proportion of the eligible persons as possible.

Macon, Ga., Telegraph
November 24, 1935

Negro Steward to Serve On Superior Court Jury

Curtis Cooper First Member of Race Drawn for Service Here in 50 Years

Curtis Cooper, chief steward at the Hotel Lanier here for 22 years, is the first Twentieth century Negro to be called for service on a Bibb superior court jury.

Cooper is near the top of a list of Bibb citizens summoned to appear Monday for the trial of civil and criminal business here.

One other Negro, C. E. Jackson, Ocmulgee street drayman, is included in the list.

Cooper and Jackson are not the first Negroes ever to be called here, old timers recall, but they are the first in nearly 50 years.

First Since 1885

Prior to 1885 outstanding Negroes were sometimes, but not often, called for county jury service, older citizens recall.

One of these was Jeff Long, tailor by trade and former member of the legislature from Bibb county.

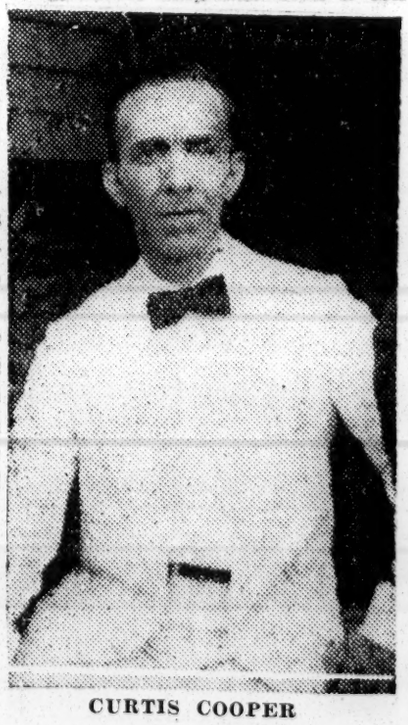
In a recent revision of the county jury list, members of the commission placed the names of several Negroes in the box.

Cooper Well Known

Cooper has hundreds of white friends who have known him through his work in the local hotel. He has friends, too, throughout Georgia. The Hotel Lanier long has been a rendezvous for politicians in this state.

The new juror is an alumnus of Paine college in Augusta, and is outstanding in Negro religious, political and fraternal realms.

He is a trustee of Holsey Temple C. M. E. church, a member of the relief board and a district deputy grand master of Georgia Masons.



CURTIS COOPER

Dothan, Ala. Eagle
November 18, 1935

Negroes Drawn for Jury Duty In U. S. Court

For the first time in the history of Houston county, five Negroes sat on juries in United States District Court here Monday on the opening day of a four day session at which no Negro defendants are scheduled for trial.

No comment was forthcoming from the court as the session got underway when the Negroes were sworn in with 25 white jurors who will serve with them until the term ends Thursday. Lists from which attorneys selected jurors, however, had the notation "Col." by the name of each Negro.

Four Negroes were selected for duty on the first jury, impaneled to try Raymond Branton on a charge of violating the internal revenue law. The fifth Negro was caught on the second jury, to try Henry C. Hall on a similar revenue law violation charge.

The Negro jurors were listed as: Ben Tarver, Montgomery, railway brakeman, Eugene Robinson, Montgomery, blacksmith, Gus Green, of Mathews, farmer, McKenley Heard, Cragford, farmer, and Tom Daniel, Wetumpka, farmer.

As the session got underway five revenue law violation defendants pleaded guilty. They were: Morgan Crews, Charles B. Kingry, Theodore R. Lynn, Brannon Cason and R. C. Grantham. They will be sentenced later by Judge C. B. Kennamer.

Only one more criminal case is scheduled for trial, that of William O. Mims, who pleaded not guilty when arraigned on a charge of violating the internal revenue act. About 80 civil cases, many of them actions in the seed loan scandal of four years ago, are docketed for the term.

Besides Judge Kennamer, other officials here for the court session are: T. D. Samford, district attorney, B. F. Fuller and Hartwell Davis, assistant district attorneys, Walter Bragg Smith, marshal, C. E. Smith, chief deputy marshal, and B. F. Ellis, deputy marshal.

Brunswick, Ga., News
November 23, 1935

Names of Negroes Drawn Today to Serve on Juries

Names of negroes were drawn on Glynn county juries, both grand and petit, today for the first time probably in a century.

When Glynn county's jury commissioners recently revised the jury boxes the names of eligible negroes were placed in them. A total of 36 went into the petit jury box, and less than half that number in the grand jury box.

Judge Gordon Knox, who is holding a chambers session of Glynn superior court here today, drew jurors for the regular December term of the court. In the list of grand jurors was one negro, while the names of three were drawn for service on the petit jury.

Names of the jurors were not announced today, Clerk H. F. du Bignon stating that it would be necessary for him to first make an accurate check of the list before announcing the names. This will probably be done on Monday.

Names of negro property owners were in Glynn county jury boxes years ago, records here indicate, but it has not been in recent years. In fact it is stated it was possibly a century ago that they served on juries here. Members of the jury commission when questioned on the subject, said they acted when revising the boxes this year, in accordance with a decision on the subject rendered by the United States supreme court.

Washington, D. C. Post
November 19, 1935

3 Negroes on Fairfax Jury, Echoing Scottsboro Decision

Traditions of more than half a century were shattered yesterday when three colored persons were named for jury duty in felony cases in the Circuit Court of Fairfax County, Va.

Not since the days of the "carpet bagger" following the War Between the States have colored persons been accorded recognition on the trial jury lists in historic Fairfax Courthouse.

It is believed that the decision in the Scottsboro case prompted Judge Walter T. McCarthy to include the names of three colored men on the list to serve during the November term of court.

Those whose names were drawn for service were Gus Burke, of Centerville; Thomas P. Harris, of Mount Vernon, and William H. Randall, of Falls Church.

When the trial of cases opens next Monday two colored women, L. Louise Carpenter and Mary Louise Carpenter, mother and daughter, will be tried on arson indictments. When the two were indicted for burning a dwelling last spring by a grand jury composed of white persons, their attorney, E. J. DeJarnette, raised the constitutional question of the absence of colored persons from the jury lists.

A special grand jury composed entirely of colored persons was then summoned by Judge McCarthy and the two women again were indicted.

The November term of court opened yesterday with one of the quietest sessions in the history of the court. Due to the lack of felony cases no grand jury was summoned.

Valdosta, Ga., Local
November 20, 1935

NEGROES ON JURY LIST IN DOUGHERTY COUNTY

The names of several Dougherty county negroes have been placed in the Superior Court jury box by the jury commission. The new jury list, recently revised, has been placed in the office of Dougherty clerk of the court.

B. C. Gardner, judge of the Superior Court, Albany circuit, advised the commission to include the names of negroes in the revised jury list after a ruling had been passed down by the United States supreme court to that effect.

NOV 15 1935

MOB OR JURY.

Seldom has the phrase, "the will of the people" been more grossly abused than when County Attorney O. P. Moore said of the lynching of two Negroes in Columbus, Texas: "I do not call the citizens who executed the Negroes a mob; I consider their action an expression of the will of the people."

Seldom too has a jurist so blandly knocked the props from under the right of trial by jury as when County Judge A. P. Hahn said of the same lynching: "The fact that the Negroes . . . could not be adequately punished by law because of their ages prevents me from condemning those citizens who meted out justice to the ravishing murderers."

It is of slight importance that Judge Hahn prefaced his observation with the words, "I am strongly opposed to mob violence and favor orderly process of the law.' Recognition of an extra-legal right to take the life of any human being cannot be condoned by such obvious worthless generalities. Either meting out punishment is a prerogative of duly constituted authorities, or it is mob violence no matter how sedately the members snuff out the victim's life.

Finally, when the sheriff denies he had recognized any person in the mob, deposes that he has no clues, and guesses the Grand Jury may get around to an investigation along in February, there can be little doubt of the breakdown of the legal machinery in Columbus, Texas.

The Negroes hanged were mere boys, 15 and 16 respectively. Charged with the heinous crime of assaulting and drowning a young woman who had accused them of theft, they are scarcely proper subjects for sympathy; but the principle at stake transcends such considerations. The right to defend oneself before a jury of his peers is the foundation of our whole legal system. If state laws in Texas are not drastic enough to deal with youthful offenders, they should be changed but for three officials, elected to carry out laws framed by representatives of the people, to countenance lynching is a sorry sight.

PORT ARTHUR, TEX.
NEWS

NOV 20 1935

LYNCHING PROBE LEFT FOR JURY DECISION

COLUMBUS, Nov. 19 (UP).—Investigation of the lynching last Tuesday of two negro boys after they admitted assaulting and murdering a white girl, was dropped today to await grand jury action on Feb. 6.

Ranger E. M. Davenport, who aided in solving the slaying of the girl, Geraldine Kollman, 19, completed an investigation of the lynching which was ordered by Gov. James V. Allred and has left the city.

Davenport's report to the governor will be submitted to the grand jury.

Atlanta, Ga. Journal
November 29, 1935

Negro on Grand Jury

ANDERSON, S. C., Nov. 29. — The first negro to serve on a grand jury since Reconstruction Days served here on Tuesday.

Negro Serves As Juror At U. S. Court

Negroes, it appears, will be seen quite frequently on federal court venires from now on—.

Yesterday, for the first time since "40 acres and a mule" days of the South Carolina carpetbag regime, a negro was polled to serve on a United States grand jury in Anderson.

George Sims of Carlisle is apparently the first negro in this state to serve on a federal jury since reconstruction days, obviously a result of the United States supreme court ruling in the famous Scottsboro, Ala., case where a decision was reversed due to alleged discrimination among negro jurors.

It was understood here that a number of negroes are included in the federal venire for the Spartanburg term of court, which opens December 10.

Thomasville, Ga., Press
November 29, 1935

There is something really new in Georgia. Jury commissioners in numerous counties have put the names of negroes in jury boxes. This was recently done in the neighboring county of Dougherty, and now comes Glynn county with 36 made eligible for jury duty. We surely are on the way, but where to?—Dawson News.

Thomaston, N. Y. Record
December 2, 1935

THREE NEGROES ON JURY LIST

First Times Negroes Have Been On Jury In Number of Years

RESULT COURT RULING

The names of three negroes were drawn by the Board of County Commissioners on Monday to serve on the jury during the two weeks Superior court will be in session in January. They are Henry Howard, Billie T. Alston and S. B. Bobbitt.

This is the first time that negroes have been selected to sit on a jury in Warren county in perhaps fifteen years. Prior to that time they not only did jury duty but also held offices in the town and county.

The inclusion of the names of negroes in the jury box came as the result of the famed Scottsboro case which was appealed on the grounds that the names of no negroes were in the jury box and was upheld by the Supreme court. Since the ruling of the Supreme court, the names of negroes have been placed in the jury box throughout this and other states.

The complete list of those selected to serve at the next term of court follows:

First week—J. C. Moore, F. R. Bobbitt, Ollie A. Rose, Leon Perkinson, J. B. Pritchard, G. G. Egerton, J. F. Hunter, G. T. Read, W. A. Moore, Simon Wilson, A. J. Ellington, E. J. Perkinson, Henry Howard, P. E. Brauer, G. W. Hester, T. C. Leonard, E. W. Fleming, J. F. Ayscue, Charlie Moseley, John D. Holtzman, Fate Weaver, J. P. Harton, W. A. Connell Sr., Albert Brietzke, P. G. Seaman, Billie T. Alston, C. C. Alston, C. S. Tate, E. H. Parker, C. E. Mustian, D. M. Harris, B H. Hawks, H. E. Weldon Jr., R. H. Dillard, W. E. Turner, J. W. Shearin.

Secon d week—S. B. Bobbitt, T I. Cheek, Robert Herman Pike, R M. Alston, S. H. Bowden, W. E Thompson, W. W. Kidd, W. K. Alston, Joe Shaw, D. R. Mustian, J. H Knuckles, Pett B. Boyd, George S Sinn, J. C. Hardy, Clarence Davis R. W. Thornton, John Adcock, R L. Brown

Juries - 1935

NEGRO TO SERVE ON MAY TERM OF GRAND JURY

Trial Jury Lists Are Revised To Include 42 Names

4-20-35

The name of at least one reputable Negro citizen is expected to be included on the list of grand jurors drawn for the May term of Corporation Court.

This became apparent Tuesday as counsel for H. G. L. Paige, attorney, accused of embezzlement raised the issue by appearing in Corporation Court No. 1, and made a motion to quash the indictment against Mr. Paige on the grounds that no Negroes were included on the grand jury which indicted him and that his constitutional rights had been violated thereby.

The motion was not argued by Assistant Commonwealth's Attorney James E. Heath, Jr., but was continued at his request. It was considered likely, however, that before the grand jury for the May term convenes, the name of a Negro citizen would be included, the present indictment against Mr. Paige quashed, and a new indictment sought on the same charges.

At his two previous trials on the charge of embezzling $1,517.47 from the estate of the late Alexander Rowe, the juries in the case have been unable to agree and have been discharged. The motion on Monday was made by Attorneys James G. Martin, white, and J. Eugene Diggs.

Simultaneously with the latest local developments in the Negro jury issue, the names of 42 representative Negro citizens were placed in the jury boxes of the two Corporation courts by Jury Commissioners Norman Hart and Zenas Gray on Tuesday. The action was taken on instructions issued jointly last week by Judge William H. Sargeant of Corporation Court No. I, and Judge James U. Goode of Corporation Court No. 2.

The names of the forty-two Negro jurors were equally divided between the two courts. At the same time the names of eighteen white jurors were added to the lists of No. 1 Corporation Court, while five were placed on the rolls of Corporation Court No. 2.

Revision of the jury lists locally, and in several other places throughout the South, is believed generally to be an outgrowth of a recent decision of the United States Supreme Court ordering new trials for Heywood Patterson and Clarence Norris under death sentence in the Scottsboro cases. The Supreme Court held that Patterson and Norris had been denied their constitutional rights because Negroes had been systematically excluded from jury duty in Alabama.

The names of Negro jurors enrolled in the lists Tuesday were as follows:

Corporation Court No. 1: David Alston, Samuel H. Bell, R. C. Davis, Edmond F. Etheridge, Edward Hagans, Langford Hicks, M. R. Jackson, Benjamin F. King, Theodore A. Lee, Van Buren Luke, John L. Parker, Camillus D. Ricks, Clarence N. Russell, John Sumler, Landy Taylor, David T. Thompson, James T. Towe, George Ward, John B. Williams, Riley Wright.

Corporation Court No. 2: Benjamin H. Alston, J. W. Anderson, G. W. C. Brown, Charles C. Dogan, Thomas Frazier, J. H. Hale, Ernest L. Jackson, William G. James, Wilford Knight, C. W. LeGrand, J. W. Manuel, W. T. Mason, Dennis Perkins, Linwood Rogers, Ralph S. Stoney, William Talley, Gordon L. Taylor, Archie J. Tice, E. C. Walton, Morrell Watkins, Hunter O. Winborne.

Negro Jurymen Omitted From Newport News List

NEWPORT NEWS—The probability of Negroes getting a call here for jury duty during the year seems remote, according to court attaches who voiced the opinion that some names will be included on the jury list next year.

The jury list for this year has already been drawn and does not carry any Negroes' names, court officials stated. One official said he regretted the probability of Negroes being summoned next year, not that he desired to be unfair to the colored race, he explained, but because he feared it would cause friction between the races.

Should Negroes be summoned next year it is doubtful whether they would be given the privilege of serving as the challenging right accorded counsel under existing laws would eliminate them from local juries.

The system works here just the same as in other cities. Jurors in courts of record are drawn from a list of citizens compiled by a special commission each year. This commission, named by the judge of the court, writes the names of several hundred citizens on slips of paper taken from the voting list and puts the slips in a jury box. When jurors are needed the required number are drawn from the box by the court and the names of those appearing on the slips are summoned for jury duty.

The Crawford case, as well as other developments in the state are largely responsible for the calling of Negroes for jury service, it was pointed out.

Petersburg Not To Revise Jury Lists

PETERSBURG, Va.—There appeared a slight chance this week that Petersburg would join the other cities and counties in the state which are revising their jury lists so as to include colored citizens. The list of 500 names already drawn by Petersburg's three jury commissioners does not include the name of any Negro. The list of 48 grand jurors already drawn for the year by Judge R. T. Wilson of Hustings Court does not contain Negro names.

Judge Wilson commented Wednesday: "The purpose of the law is to keep the judges from selecting juries. The judge has absolutely nothing to do with who is put on the jury list. The names which appear on this list are put there by the jury commissioners and they alone are responsible for the names which do appear on the list."

It was generally agreed that under the statute the jury commissioners could add Negro names in places of persons now on the list who have become disqualified or exempt.

Norfolk And Portsmouth In Vanguard

4-13-35

Norfolk, Va.

Governor of Alabama Orders Practice There Changed

CHANGE WIDESPREAD

Rockingham County and Hampton Also Calling Negroes

Revision of the local 1935 list to include the names of least forty reputable Negro citizens, was underway Wednesday by Jury Commissioners Zenas Gray and Norman Hart following instructions to this effect Tuesday by Judge William H. Sargeant of Corporation Court No. 1, and Judge James U. Goode of Corporation Court No. 2.

Compilation of the jury list for 1935 was completed in February and included the names of no Negro citizens, such names having been excluded for many years each time the list was made up. Judges Sargeant and Goode would not comment on their action Tuesday but indicated they would issue a joint statement later.

The names of the forty Negro citizens to be added to the jury rolls are expected to affect the two Corporation Courts only. The jury roll for the year contains 3,200 names allowing 1,000 for each of the two Corporation courts, and 600 each for the Circuit Court Judge Allan R. Hanckel presiding, and the Court of Law and Chancery over which Judge Richard McIlwane presides.

The recent decision of the United States Supreme Court in ordering new trials for Heywood Patterson and Clarence Norris, on the grounds that the two defendants in the famous Scottsboro cases had been tried and sentenced to death after having been deprived of their constitutional rights by virtue of the fact that Negroes had been systematically excluded from jury duty in Alabama, is generally believed to have been responsible for the local action.

Revision of the jury list is expected to be completed within a few days, Jury Commissioners Gay and Hart stated. "Our action," the commissioners said, "is at the direction of the court. We feel, however, that the inclusion of representative Negroes on the jury list is entirely proper."

The possibility of Negro citizens actually doing jury duty, however was considered extremely remote inasmuch as both defense counsel and attorneys for the commonwealth, are permitted to scratch names from a restricted number of each venire before the actual trial of criminal cases in the two Corporation courts.

In the past however, few criminal cases involving Negroes have been appealed thereafter to the State Supreme Court of Appeals. Notable and most recent among these however, are the cases of Robert Lee Johnson, now under a life sentence following his conviction for the slaying of a policeman, and that of Tanzetta Sykes, convicted of grand larceny in connection with the alleged theft of $2,900 from George E. Kurts, white, of Baltimore on the night of September 30, last.

The State Supreme Court of Appeals recently refused a writ of error in the Sykes case, and the woman is now serving a seven-year term together with Ella Louise Post, accused jointly with her and who was convicted when the former turned state's evidence after learning that her appeal had been denied.

Juror Threatened

John Edward Black, outstanding Harrisonburg, Va., citizen and distinguished World War veteran, served as the first Negro on a Rockingham County Circuit grand jury this week despite a threat sent him signed "K. K. K." after his selection for duty.

VIRGINIA GRAND JUROR IGNORES K. K. K. THREAT

Officials Tracing Sender of Note of Warning

4-30-35

Special to Journal and Guide

HARRISONBURG, Va.— John Edward Black, World War veteran, showed the same courage in carrying out a citizenship duty here Monday as he did fighting for his country in the trenches in France.

Although he received a threatening letter mailed from Waynesboro, he reported and served on the county grand jury, the first of his race ever to be called in Rockingham County.

The warning read: "A hint to the wise is sufficient. Just a tip, if you believe in signs you will not be present for the grand jury. Signed, K. K. K."

Local officers are having finger prints taken from the letter and plan to turn it over to Federal agents. The letter was written on a piece of wrapping paper. No concern was felt over it and Mr. Black handed the letter to Sheriff Charles R. Fawley when he received it. He served on the grand jury with six white members.

Harrisonburg, Va.— John Edward Black, one of the outstanding citizens of Harrisonburg and a listinguished World War veteran, was further honored Monday when he was the first member of the colored race to sit on a Rockingham County Circuit Court grand jury.

Mr. Black and six other members of the grand jury returned a dozen indictments, all charging more or less minor crimes. The most serious was a manslaughter charge growing out of an automobile accident. Mr. Black has been the recipient of congratulations from all parts of the state since the announcement was made that he had been drawn for grand jury service.

On List A Year

Although he has been on the jury list for a year, he was not drawn for jury service until this term of court. Judge H. W. Bertram ordered [illegible] of names of colored [illegible] jury list after the S[illegible]n and the complaint [illegible] the Crawford case [illegible] ceedings between a [illegible] Court and Virginia.

So far as can be learned Mr. Black is the first member of his generation to serve on a jury here. Back in 1880, the Rev. G. A. Newman, venerable pastor of the A. M. E. Church here, and the late Morgan Tams, served on the petit jury of the old Circuit Court, under Judge Byrd of Woodstock, which then embraced Shenandoah, Rockingham, and Augusta Counties.

Some Jury History

The best information is that they were the last of the race to do jury service here and Mr. Black is the first colored man ever to sit on the grand jury.

Mr. Black is a member of the garage firm of Wells and Black and has built up a profitable business. He is an expert mechanic and is in almost constant demand as a chauffeur. He is a charter member of the Newman-Washington Post, American Legion, and one of its leaders.

When the local Elks, Masons, and Knights Pythias were active in colored fraternal circles here, Mr. Black was one of the leading figures. He is a lifelong member of the Baptist Church.

Decorated For Bravery

In 1917, he enlisted in the United States army and was assigned to Co. C. 367th Infantry, New York Regiment of the 32nd division known as the Buffaloes. He saw more active service than any other colored soldier from Rockingham County.

He served in the St. Vosges Meuse, Argonne and Marbach sectors and was in the front line trenches for 42 days. He was decorated by the French government with the Madaille de Verdun.

Surprised But Ready

Mr. Black, unmarried resides here with his mother. As a boy he earned a living as a porter in a department store. He then served an apprentice under the automobile mechanic in

of Mr. Black to came as a com- him. Of a re- s reluctant to conferred upon him. However, he said he was perfectly willing to carry out his citizenship duties just as he was willing to defend his country in France.

Carolina Judge Puts Negro Names on Jury

4-24-35

SPARTANBURG, S. C., April 23. (UP)—Judge Hayne F. Rice, presiding over general sessions court here, instructed the Spartanburg county jury commissioners today to place the names of negroes in the jury box when new petit and grand jurors are drawn next December.

Judge Rice said that in view of the recent United States supreme court decision in the Scottsboro assault cases "it will be necessary for us to draw the names of some negroes and put them in the box from which petit and grand juries are drawn in order to make the cases stick."

Corbin, Ky. Tribune
April 17, 1935

Negro Jury Service Question Up In Ky.

Covington, Ky., April 17. (AP)—Circuit Judge Northcutt today overruled the motion to quash the indictment against John Montjoy, 20-year-old negro, who is charged with the rape of a white woman. The motion was made on the grounds that negroes were not summoned for jury service.

At the start of trial such a crowd had gathered that court officials were forced to lock the door. Detective Leroy Sall said that the negro had confessed to the rape and robbery charge.

Judge Northcutt ruled that there were no Kentucky laws which bar a negro from juries, therefore, there were no grounds for discrimination.

Shelby, N. C. Star
April 22, 1935

To Draw Negroes On Carolina Jury

It Will Happen In Buncombe County, But It's Doubtful They'll Ever Serve.

Negroes will in all probability be drawn for grand and trial jury panels in Buncombe county in a few weeks—but whether any will actually serve remains to be seen.

Attorney-General A. A. F. Seawell has advised Solicitor Zeb V. Nettles that under the recent decision of the U. S. supreme court in the Scottsboro case, no conviction of a negro in the courts of the state can stand up if carried up in the federal courts, until negroes are drawn for jury service.

Mr. Seawell's opinion is that the mere inclusion of negro freeholders names on slips in the box from which the jury lists are drawn is not enough to satisfy the 14th amendment to the constitution of the United States.

As a matter of fact the names of negro taxpayers are in the jury boxes in North Carolina counties, and occasionally one is drawn for jury service, but they are never called to serve.

But Mr. Seawell advised Mr. Nettles as follows:

"The opinion of the supreme court in the Scottsboro case went so far as to hold that the supreme court of the United States would examine into the evidence and factual situation, notwithstanding findings of the fact, by the court below, where the matter affected the right of the petitioner under the Fourteenth amendment; and further, that evidence tending to show that negroes had not served on a jury for a long period of time would be sufficient to establish that they were excluded from jury service. The latter had not been held to be sufficient in our own courts.

"I am giving you the result of the Scottsboro opinion in rather non-legal terms, but the statement is substantially correct."

Under this interpretation, state courts in Virginia and Alabama have already ordered negroes to be actually drawn and summoned for jury service and in a Virginia county a negro served last week on the grand jury.

However the possibility of negroes serving on trial juries in North Carolina even with the interpretation of the supreme court decision observed to the letter is believed remote.

Greenville, Piedmont
April [illegible], 1935

Jury Service

THAT "it will be necessary for us to draw some negroes and put them in the box from which petit and grand juries are drawn in December" is the statement made in Spartanburg circuit court by Judge Hayne F. Rice of Aiken.

The judge directed the move so that cases will "stick" when carried up on appeal, in view of the decision of the United States Supreme Court in the Scottsboro case.

So names of "some negroes" may be expected to be found shortly in jury boxes over South Carolina.

This development, however, would not mean necessarily that jury service by negroes is to become common in the state.

Our guess is that such service in the lifetimes of those now living will be the exception, not the rule.

York, S. C. Enquirer
April 26, 1935

NOTHING TO BOTHER ABOUT HERE SEEN AS REGARDS NEGRO JURORS

The instruction and order of Judge Rice, that the Spartanburg jury commissioners place the names of negroes in the box on the slips of paper from which jury venires are drawn, excited comment in the courthouse here. The action of Judge Rice was caused by a recent United States supreme court decision in a Mississippi case.

Evidently the Mississippi law does not give the negro the equal rights with whites all things considered, as does the South Carolina law. Here the names are put in the box by the jury commissioners off the registration books of the county. Here in York county, the registered voters are all in one list, with nothing to designate which ones are colored, and it is impossible for the jury commissioners to pick out any negro names from it to place in the box from which the venires are drawn. So, the plan of Judge Rice will not work here, and probably not in many counties in this state.

There are about 20 negroes registered in York county, among about 8,000 registered voters. That is a ratio of one to 400. If the jury commissioners could and should pick out some negroes to put into their venire box, two or three negro names would preserve the ratio to whites in the box which is found in the registration list. And the chances, mathematically, of one or both the negroes on slips in the box being drawn on a venire of 36 men are about one to 500. These two things, by the doctrine of probabilities, make the chance of a negro being drawn on a venire in York county about one to 200,000—nothing to worry about.

Then, in a trial, each side has by right five, eight, or 10 peremptory challenges of jurors drawn to the panel. By the time the lawyers finished these peremptories, any negro who had survived the immense chances against his being there would not be found serving on a jury trying a case of white litigants in the circuit court of York county.

So, nobody here feels that there is anything for anybody in York county to become excited about in the recent supreme court decision, and most persons here are surprised that Judge Rice threw the matter upon the newspaper first pages by his order in court at Spartanburg county the other day.

Juries-1935.

JURY ISSUE RAISED AS BIG FRAUD TRIAL STARTS

Memphis Stirred As Sensational Insurance Fraud Case Involving Prominent Tennesseeans Opens.

MEMPHIS, Nov. 21—(By Jasper T. Duncan for ANP)—The most sensational case to be tried in Federal Court of the Western District in years, involving the U. S. versus Dr. J. W. Beckett, Negro practitioner of this city, went to trial here Thursday morning after pleas of "guilty" to mail fraud had been entered by T. C. Yarbrough and A. C. Jones, white, former agent of the Metropolitan Life Insurance Co., of New York, and Amanda Smith, colored matron.

After preliminaries and formalities, Judge Sam Gordon called the case of the stocky, swarthy doctor, who is the first of defendants to be tried on charges of violation of the mail fraud laws and involving approximately $60,000 allegedly euchered from the Metropolitan by "fake means," over a period of five years.

Says Jury Illegal

Bombshell number one came in the trial when attorney for the defense, J. T. Settle, offered a motion declaring the federal court jury illegal because it did not give the Negro fair representation. He contended that the presence of only six or a few more Negroes' names in the venire of 350 jurors, was prima facie evidence "even though unintentional" that the Negro had been discriminated against. The motion was overruled.

The highlight of the trial was the testimony of the accused Dr. Beckett. The dapper practitioner, crestfallen, seemed to lose his usual poise and in his effort to impress the jury for clemency or exoneration receded into the "Uncle Tom realm." Beckett said in answer to one question propounded to him that he signed the bogus death claims because they were brought to him by the white man and that "he always did what the white folks told him to do." The jury found the defendant guilty.

All four of the "dead" persons on whom insurance claims were collected, were produced in court

3 NEGROES ON FAIRFAX GRAND JURY

Historic Virginia Courthouse Establishes Presedent; Record Broken

A record of more than fifty years was broken on Monday when three Negroes were called on to sit in felony cases of the Circuit Court of Fairfax County, Va. Judge Walter T. McCarthy, venerable jhrist of the Fairfax Courthouse, included the names of the three colored persons when he submitted the jury panel for the month of November. The men named were: Gus Burke of Centreville; Thomas R. Harris, of Mount Vernon, and William H. Randall, of Falls Church.

Court Begins Monday

Arson indictments against Mrs. L. Louise Carpenter and Mary Louise Carpenter, mother and daughter, will be put to trial when the hearing of cases is begun next Monday.

When the two were indicted for burning a dwelling last spring by a grand jury composed of white persons their attorney, E. J. DeJarnette, raised the constitutional question of the absence of colored persons from the jury lists.

Colored Jury Indicts

A special grand jury composed entirely of colored persons was then summoned by Judge McCarthey and the two women again were indicted

Not since the days of the war between the States have Negroes been included on juries in historic Fairfax County Courthouse. It is generally supposed that Judge McCarthy's action was an aftermath of the famous Scottsboro case.

ARKANSAS HIGH COURT IGNORES RACE JURY ISSUE

LITTLE ROCK, Ark., Nov. 27—(ANP)—Death sentences imposed on Bubbles Clayton and James Carrothers following conviction on charges of criminally assaulting a white woman, were upheld by the Arkansas Supreme court, according to a ruling handed down Thursday.

Attorneys for the defendants filed a plea with the State Supreme court claiming that due to the fact that no Negroes were on the jury which returned the indictments or that which rendered the verdict of guilty at the trial, the defendants had been denied their constitutional rights. In rendering the decision the State Supreme court declared:

"There is nothing in this record tending in any way to show that there were no Negroes on the grand jury that indicted them or on the petit jury that tried them. No objection was made to either jury on this account nor was such a ground alleged in the motion made to quash the indictment nor was any motion made to quash the trial on this or any other grounds.

"It was not even mentioned as a ground in the motion for a new trial. This question is raised for the first time in the brief for the appellants without any record to support it. It can not be considered even though raised in the motion for a new trial for the first time. Such assignment comes too late."

Nahunta, Ga., Enterprise
November 22, 1935

The decree that placed negroes on the jury, by a federal court order, seems to have brought to the fore a demand that women must also be "peer" when it comes to jury duty. For our part we cannot possible fathom a desire on the part of women to serve as jurors. It means much expense to prevent embarassments to ladies by provision of double juror rooms, etc. The peculiar part of the business is, most business men seek to keep from serving, and we fear this latest effort for woman's right is fol de rol.

3 Selected For Jury Service In Virginia

RICHMOND, Va., Nov. 27—(By ANP)—For the first time since the days of the reconstruction following the war between the States, Negroes were selected for jury service in Fairfax county. This fact became known Tuesday when two women were indicted by a court of Centraville, Thomas members, following which a special jury composed entirely of Gus Burke, P. Harris, Mount Vernon, and William H. Randall, of Falls Church, were selected for jury service. The two women were charged with arson. The defendants were again indicted. The case will be called on Monday morning.

Juries-1935.

JURY ISSUE RAISED AS BIG FRAUD TRIAL STARTS

Memphis Stirred As Sensational Insurance Fraud Case Involving Prominent Tennesseeans Opens.

MEMPHIS, Nov. 21—(By Jasper T. Duncan for ANP)—The most sensational case to be tried in Federal Court of the Western District in years, involving the U. S. versus Dr. J. W. Beckett, Negro practitioner of this city, went to trial here Thursday morning after pleas of "guilty" to mail fraud had been entered by T. C. Yarbrough and A. C. Jones, white, former agent of the Metropolitan Life Insurance Co., of New York, and Amanda Smith, colored matron.

After preliminaries and formalities, Judge Sam Gordon called the case of the stocky, swarthy doctor, who is the first of defendants to be tried on charges of violation of the mail fraud laws and involving approximately $60,000 allegedly euchered from the Metropolitan by "fake means," over a period of five years.

Says Jury Illegal

Bombshell number one came in the trial when attorney for the defense, J. T. Settle, offered a motion declaring the federal court jury illegal because it did not give the Negro fair representation. He contended that the presence of only six or a few more Negroes' names in the venire of 350 jurors, was prima facie evidence "even though unintentional" that the Negro had been discriminated against. The motion was overruled.

The highlight of the trial was the testimony of the accused Dr. Beckett. The dapper practitioner, crestfallen, seemed to lose his usual poise and in his effort to impress the jury for clemency or exoneration receded into the "Uncle Tom realm." Beckett said in answer to one question propounded to him that he signed the bogus death claims because they were brought to him by the white man and that "he always did what the white folks told him to do." The jury found the defendant guilty.

All four of the "dead" persons on whom insurance claims were collected, were produced in court

3 NEGROES ON FAIRFAX GRAND JURY

Historic Virginia Courthouse Establishes Precedent; Record Broken

A record of more than fifty years was broken on Monday when three Negroes were called on to sit in felony cases of the Circuit Court of Fairfax County, Va. Judge Walter T. McCarthy, venerable jhrist of the Fairfax Courthouse, included the names of the three colored persons when he submitted the jury panel for the month of November. The men named were: Gus Burke of Centreville; Thomas R. Harris, of Mount Vernon, and William H. Randall, of Falls Church.

Court Begins Monday

Arson indictments against Mrs. L. Louise Carpenter and Mary Louise Carpenter, mother and daughter, will be put to trial when the hearing of cases is begun next Monday.

When the two were indicted for burning a dwelling last spring by a grand jury composed of white persons their attorney, E. J. DeJarnette, raised the constitutional question of the absence of colored persons from the jury lists.

Colored Jury Indicts

A special grand jury composed entirely of colored persons was then summoned by Judge McCarthy and the two women again were indicted.

Not since the days of the war between the States have Negroes been included on juries in historic Fairfax County Courthouse. It is generally supposed that Judge McCarthy's action was an aftermath of the famous Scottsboro case.

ARKANSAS HIGH COURT IGNORES RACE JURY ISSUE

LITTLE ROCK, Ark., Nov. 27—(ANP)—Death sentences imposed on Bubbles Clayton and James Carrothers following conviction on charges of criminally assaulting a white woman, were upheld by the Arkansas Supreme court, according to a ruling handed down Thursday.

Attorneys for the defendants filed a plea with the State Supreme court claiming that due to the fact that no Negroes were on the jury which returned the indictments or that which rendered the verdict of guilty at the trial, the defendants had been denied their constitutional rights. In rendering the decision the State Supreme court declared:

"There is nothing in this record tending in any way to show that there were no Negroes on the grand jury that indicted them or on the petit jury that tried them. No objection was made to either jury on this account nor was such a ground alleged in the motion made to quash the indictment nor was any motion made to quash the trial on this or any other grounds.

"It was not even mentioned as a ground in the motion for a new trial. This question is raised for the first time in the brief for the appellants without any record to support it. It can not be considered even though raised in the motion for a new trial for the first time. Such assignment comes too late."

Nashville, Tenn. Enterprise
November 29, 1935

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The jurors will be among those to decide the fate of Mrs. L. Louise Carpenter and her daughter Mary Louise Carpenter, who are charged with arson. The defendants were indicted by a grand jury composed entirely of Negroes, was summoned and the

The case will be called on Monday morning.

Negro Sits On Circuit Court Jury Here For First Time In 25 Or 30 Years

For the first time in 25 or 30 years, a negro served as a juror in the Montgomery Circuit Court yesterday with Judge Eugene W. Carter presiding over the criminal docket. The juror, Louis A. Gilmer, a veteran employe of the city government, helped 11 white men convict a member of his race and was on another jury that freed a white man.

Gilmer's name, along with a number of others of his race, was put into the jury box some months ago following the decision of the U. S. Supreme Court, reversing the verdict in the Scottsboro case because no names of negroes appeared on the jury roll.

The court did something very unusual Monday—set aside a judgment of the preceding week and nol prossed the case against the defendant. Ida Mae Murphy, negro, who had been convicted by Judge Carter of abusive language and fined $100, won her freedom yesterday when new disclosures were presented by Thomas H. Watts, attorney for the woman. Her attorney brought in evidence showing she had been acquitted in police court of the same offense. Upon that record, the solicitor nol prossed the case and the court set aside the fine.

T. N. Adams was acquitted of grand larceny, being represented by Thomas E. Martin. Verdicts of guilty were returned against Gene Still, Emanuel Taylor, and John Tisdale, all charged with grand larceny. Joe Thomas, indicted for grand larceny, was found guilty of petit larceny, the jury declining to assess the fine, which means the defendant will get a hard labor sentence.

The solicitor nol prossed a grand larceny case against Sam Smith and an assault to murder indictment against Rosa Belser. Onie Bushman, charged with assault to murder and carrying a concealed weapon, will be tried at the next term of court. The cases were continued on account of illness of the defendant. W. B. Chaney, assault to murder, also got a continuance on the same ground. The grand larceny charge against Maggie Stallings was nol prossed by the solicitor.

Jurors for the week follow: Sig Abraham, A. S. Barnes, William H. Ball, Tyler Brooks, J. T. Brooks, James R. Bozeman, F. M. Conrad Buffington, W. T. Davis, W. J. Devinney, E. O. Ferguson, Carey W. Fuller, Louis A. Gilmer, Gracy Harrod, U. L. Heustess, Walter H. James, Clarence Jordan, Wallace Jones, Gus Keating, Daniel C. Knox, Ben W. Lacy, Jr., Grant Lamar, A. J. Lankford, J. A. Ledbetter, Clifford Ledyard, Earl G. Lutz, W. F. Martin, Stuart May, Frank S. McFaden, M. H. McGehee, Robert C. Owen, J. K. Palmer, Moses Scheuer, Ed Sherlock, W. Scott Waugh, W. F. Weiss, Sr., Thomas H. Whitby and Ed F. Wright.

C. E. Cook, of the W. A. Webber Company, recalled yesterday that negroes served on juries in Circuit Court here about 25 years ago. He said he was a member of a jury about that time on which a negro sat.

Chattanooga, Tenn. News
November 29, 1935

Upholding the Law

JUDGE WIRT COURTNEY'S indignation over the acquittal at Ashland City of five men who had lynched a Negro sets a good example for other jurists of the South. The calmness with which many jurists accept outrageous acquittals is but an invitation to further lynchings. Judge Courtney strongly criticized the jury at Ashland City and ordered the five men thrown into jail again on warrants charging conspiracy to inflict corporal punishment, and for this they may be sent to prison.

The Negro was alleged to have insulted a white woman. The five men took him from officers and killed him. They admitted that they killed the Negro, but claimed "self-defense," saying the Negro had "reached for a rock."

"I am astounded at your verdict," Judge Courtney told the jury. "By your action you will make Cheatham County the dumping ground for lawlessness in the future."

The future trend of this case will be watched with interest. Judge Courtney has struck a blow for law enforcement.

Brunswick, Ga., Pic-Post
November 28, 1935

Negroes Are Drawn On Glynn Juries

Negroes were drawn on Glynn county grand juries for the first time Saturday in probably more than a century.

Names of negroes were placed in the jury boxes a few months ago by the jury commissioners when the lists were revived, and Judge Gordon Knox, of the Glynn Superior Court, Saturday drew jurors for the regular December term of court.

The name of one negro was drawn on the grand jury and three are on the petit jury.

Brunswick, Ga., News
November 28, 1935

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Moultrie, Ga., Observer
November 28, 1935

Negroes On Jury List In Dougherty County

The names of several Dougherty county negroes have been placed in the Superior Court jury box by the jury commission. The new jury list, recently revised, has been placed in the office of Howard Clark, Clerk of the Court.

B. C. Gardner, judge of the Superior Court, Albany circuit, advised the commission to include the names of negroes in the revised jury list after a ruling had been passed down by the United States supreme court to that effect.

Nashville, Ga., Herald
November 28, 1935

NEGRO ON JURY

Charles Searight, negro laborer employed by Gray Cotton Company, Florence, has been drawn for service on the petit jury venire for the criminal docket of Lauderdale county circuit court, which begins Monday. It is stated that this is the first time in many years that a negro has been drawn for service in this county, possibly not since reconstruction days.

Nashville, Ga., Herald
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MONTGOMERY, ALA.
ADVERTISER

NOV 26 1935

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Dallas, Texas
December 9, 1935

Negroes Included On New List For Juries

F S. Kincey of the Dallas County Jury Commission is engaged in filling the jury box with names of persons who are eligible to serve on juries in the county in the future.

Some six or seven hundred names are placed in the box which now has run low, as many names were drawn from the box during the last session of circuit court.

It is understood that the names of some negroes who are eligible for jury duty will be included in the new list in accordance with instructions issued to the circuit judges in the state several months ago.

Governor Bibb Graves issued the order to include negroes on jury lists in the state after the decision of the Supreme Court in the Scottsboro case. A good many of the counties have already placed the names of negroes on their jury rolls in order to comply with the law.

Juries - 1935

Dictated By Self-Interest

THE colored man in Tennessee, who, the newspapers report, told the court he did not want a Negro to sit on the jury that tried him, is either one of the boys that has benefited heretofore by the leniency of all-white jurors, or, one of those who operated with the assurance that this over-indulgence made crime relatively safe for him.

Among other newspapers, and in accord with a prevailing sentiment, the JOURNAL AND GUIDE has often called attention to the light sentences handed out by juries to Negroes who commit crimes against members of their race. We have not meant to convey the impression that Negroes on juries would want to be harsh with offenders of their race, merely because they were colored. We have no idea that any intelligent colored juror would take any such position, but, as the *Ledger-Dispatch* says, Negroes "regret and are ashamed of the crimes committed by so many of their group—even though they realize that these occasional criminals are piteously underprivileged." We are, of course, ashamed of the crime ratio, and we do, moreover, deplore the tendency of all-white juries to unduly temper justice with what they conceive to be mercy because the offender is a Negro that happens to have committed a crime against another Negro. When this is done two important social factors are outraged. (1) Lives and property of Negroes are regarded more cheaply than those of other races. (2) As crime deterrents capital punishment and prison terms lose their force.

Then, there is the matter of consistency. If a criminal, because of his totally unsocial background, due to lack of privileges and advantages that make law-abiding citizens, is entitled to leniency when he murders a member of his own race he is entitled, by every moral law, to leniency when he does violence to a member of another race. But an examination of the record would show that an all-white jury that has let one Negro off with five years for killing a member of his own race has sent another colored man of the same mental and moral type to the electric chair for killing a white man under similar circumstances.

We do not believe that a juror should be lenient in one case and harsh in another when both cases are surrounded by the same chain of circumstances, except the element of the victim's color. We believe that a juror should exercise even judicious qualities in all cases. That we concede, is more idealistic than is possible of attainment as long as human nature is what it is, and as long as most of the human advantages are on one side and the human frailties on the other.

ANDERSON JUDGE KEEPS POLITICAL PROMISE TO RACE

ANDERSON, Ind., June 27.—For the first time in the history of Madison County, a race man was given the signal honor of being placed on a jury. That honor came to Hugh T. Wilson, 1925 Hendricks street, who served in the case of Price vs. Robinson an action for $2,500 damages.

In placing Wilson on the jury, the judge commented:

"I was elected Judge of all of the people within the jurisdiction of this court, I am not going to permit the color or race of any man to influence this court in any manner either for or against him. I firmly believe that any man, who will not disregard the color, the race, or the politics of a citizen in the administration of justice should be removed from office."

Facts around the choosing of Wilson's name to light through George R. Brawley, Muncie Attorney, who as a personal friend of Judge James H. Edwards, Democrat, of the Madison County Superior court, made it his business to ask the Judge to make good his political promise in seeing to it that color will have no bearing on selecting a man for jury service.

In commenting on the action of the Judge, Brawley said:

"I believe that, regardless of politics, whether or not this Judge is a Democrat or Republican, he should be complimented and should receive a word of appreciation from our voice, 'The Indianapolis Recorder.' I have stated my belief because I realize that it required nerve to oppose such a system as that which has been built in this as well as in other counties. I sincerely hope that something may be done, so that others who may desire to do as he has done may have renewed courage to live up to their oaths of office."

Negroes Put on Jury List

The names of negro citizens eligible to jury list were placed in the jury box of Martin county, now being revised. The commissioners limited their selection to men. More than a generation has passed since the Martin county list has held names of negroes.

N. Wilkesboro, N. C., News
June 27, 1935

Juries In Wilkes May Have Negroes After July First

Revised Lists May Include New Names

Selection Of Desirable Citizens Is In Hands of The County Board

Mr. Linville Bumgarner, clerk of the Federal court, informs us that county juries may include negroes after the first of July. The jury lists will be revised and it is thought that a number of names of negroes will be included.

This is being done in accordance with a ruling of the United States Supreme Court and is the outgrowth of the famous Scottsboro case.

The board of county commissioners will have the power to cull the lists so that no negroes or whites either, who are not mentally and morally qualified to serve and who have not paid their taxes may be included.

It was stated that there would be no names of women included in the revised jury lists.

Huntsville, Ala., Times
July 1, 1935

Falling In Line

Other Southern states are quietly falling in line, following the recent Supreme Court decision in the notorious "Scottsboro case."

During the past week, the presiding judge at Franklin, county seat of Williamson in Tennessee, gave public approval to the action of the jury commission in placing the names of several reputable, qualified negro citizens in the jury box.

He pointed out that such action was absolutely mandatory, and that to fail to do so, would simply subject any negro case from larceny to rape, in which a conviction was obtained, to reversal, in case it were appealed.

Jury commissions will be wise to go on and comply with the law laid down by the Supreme Court.

In the first place, few negroes are eligible for jury service; and, in the second place, if any were drawn, it is doubtful they would consent to serve.

ANOTHER COUNTY OF NORTH CAROLINA PICKS HONEST JURY

Williamston, N. C., July 4 (ANP)—For the first time in more than a generation the names of Negro citizens were placed in the jury box, making them subject to duty on the petit and grand juries in the Superlow Court of Martin County. This action was taken on account of the now famous Scottsboro decision of the Supreme Court of the United States.

The commissioners limited their selection to men and the total number of veniremen is being held to the lowest point in several years.

Journal

THREE NEGROES ON JURY LIST

Commission Picks Grand and Petit Panels.

Knox county juries were selected by the jury commission here yesterday.

Among them were three Negroes, Sam H. Toole, Fountain City, RFD 2, petit jury service; David Kemp, 510 Lithgo street and James Price, Knoxville, RFD 1, for grand jury service.

Other members of the grand jury, which will convene today at 9 a. m., are J. L. Jones, foreman; W. L. Woods, F. B. McNutt, J. R. Delaney, N. L. Lewis, J. G. Harrison, John R. Saylor and J. P. Matlock.

Petit jury No. 1 is comprised of S. R. Easterly, O. B. Griffin, A. B. Collier, L. R. Ford, C. E. Matlock, Deadrick McCall, George Newcomb, M. E. Dawson, R. D. Boruff, E. R. Harvey, J. M. Rose and R. R. Ogle.

Jury No. 2—J. L. Pedigo, Sam H. Toole, E. J. Reed, J. O. Luttrell, Henry Oglesby, George W. Brooks, J. G. Minton, Same Lane, Tom Williams, E. D. Duncan and F. H. Reed.

Extra jurors: D. H. Smith, H. B. Kagley, G. R. Wallace, Mack Reed, F. E. Womack, Virgil Kitts, W. H. Russell and J. W. Childress.

Texas High Court Sustains Jury Ban

AUSTIN, Tex., July 3.—(CNA)—"Mere absence of Negroes from a jury panel is not enough to reverse conviction of a Negro defendant." The State Court of Criminal Appeals has just handed down this ruling in flat defiance of the contrary ruling of the United States Supreme Court in the case of Haywood Patterson, Scottsboro defendant. "There must be some testimony," the state court ruled, "to sustain an allegation of discrimination." Otherwise, within the purview of the appellate court, the jury panels will be presumed to have been drawn legally. This launguage means simply that Texas jury commissioners may continue

to ignore the names of Negroes in making up jury lists.

Oklahoma City, Oklahoma

Policemen Are Sacred

The decision of the court was made in considering the appeal of John Trapper, a Negro sentenved to death for the murder of J. W. Haygood, an officer. The prejudice of the court is apparent. In effect, it is telling theNegropopulati on of Texas that the lives of white policemen are sacred; and woe be to the Negro who acts otherwise.

In some Texas counties, it is the custom to include one Negro on each grand jury. This is to make indictments stick, as one state legislator expressed it. The Negro grand juror is always expected to keep silent and merely vote assent to the decisions of his white colleagues. Moreover, he is always loged and fed separately from the white juroros.

MACON, MO.
CHRONICLE HERALD
JUN 25 1935

WANT NEGROES ON FULTON JURY

Point Raised in Wife Murder Case—Macon Court Has Decided "Yes."

"There is no need for any argument about the right of a Negro defendant to ask for a jury of his race," said Wm. M. VanCleve, former city attorney. "It is the law of the land. We had it up in 1904, when Ethelbert Barbour, a young colored attorney of Kansas City, raised the point here. We didn't need to await the Scottsboro case for that.

"Barbour got his colored jury, and they stuck the defendants, who were charged with crapshooting.

"We have another case awaiting trial before Judge J. D. Hall. The defendants are Negroes, and they have asked for a jury of their peers. This has been granted by Judge Hall, and the trial will take place this week."

The matter was put up to Mr. VanCleve because of the issue that has been raised at Fulton by a Negro who is accused of murdering his wife.

Prosecutor W. H. Sapp said as far as he was concerned he would concede for the jury to be drawn to conform to the Supreme Court opinion in the Scottsboro case. Angel Faucett, Callaway county prosecutor, who is associated with Sapp in the Fulton case, said no Negro had ever served on a jury in Callaway county, and he thought the public attitude would be bad.

The defendant is a 46-year-old Negro of Boone county. The case was taken to Callaway county on change of venue. Callaway used to be called "the Kingdom of Callaway." It was intensely Southern during the war between the states.

Knoxville, Tenn., Journal

JURY TO GIVE FINDINGS TODAY

Two Negroes Among Jurors Who Hear Evidence.

The grand jury on which David H. Kemp and James Brice, Negroes, are serving, is expected to report today on investigations made yesterday and today.

Judge E. G. Stooksbury said that one of the Negroes, David H. Kemp, head waiter at Hotel Farragut, asked to be excused on account of his work, but decided, after talking with the judge, that he could serve and carry on his work too.

"We should have some Negroes on juries," said the Judge.

The other Negro on the grand jury is James Brice, a farmer.

Yesterday the question of providing sleeping quarters for the Negro chosen for trial jury service if he ever was called into service was brought up. Officials said they wouldn't worry about that until they had to. Attorney Arthur Atchley said that the problem was solved when a Negro served on a trial jury 20 years ago by putting the Negro in a room adjoining the room in which the white members of the jury slept and leaving the connecting door open. The law requires that the jury be kept together.

Sam H. Toole, Fountain City teacher, is the Negro chosen for trial jury service.

AN ADVANCED STEP

Richmond Planet
7-6-35

It is quite a distinction, merited however, for Emmett C. Burke to serve on the special Grand Jury in the Hustings Court empaneled to investigate the official conduct and responsibility of two important city officials whose accounts have been found short by the State Auditor. It is a tribute to the man's ability, integrity and intelligence. The ruling of the United States Supreme Court has no bearing on this selection. Neither of the officials would avail himself of the decision in event of indictment and conviction.

Judge John L. Ingram is also to be commended for the selection. It indicates that he recognizes the fact that 53,000 Negroes in Richmond are an integral part of this community and that whatever effects the well-being of Richmond is their problem and concern as well as that of other citizens of the city. Good government and rectitude on the part of public servants are of vital interest to all persons living in a community, for all alike are called upon to share the duties, responsibilities and costs of government. Race, color and creed make no difference when the challenges of citizenship must be met.

Mr. Burke will perform any duty imposed upon him honestly, fearlessly and conscientiously. Judge Ingram and Mr. Burke are both to be congratulated. This appointment is an advanced step and in the right direction.

Charlotte, N. C., News
June 16, 1935

Loophole for Criminals.

Aware of the decision of the U. S. Supreme Court in the Scottsboro case, affirming the right of a new trial because of the exclusion of Negroes from jury service, the commissioners of Richmond county, North Carolina, nevertheless have failed to include a single Negro on the jury lists which they have compiled for use during the next two years.

Well, that is the Richmond county commissioners' business, and they may attend to it. But when just convictions are obtained against Negroes for capital or other major crimes, and jury verdicts tediously arrived at are upset because of a glaring irregularity in the manner of selecting juries, why then it will be no trouble at all to lay the blame for the miscarriage of justice where it belongs

ALL-NEGRO GRAND JURY—

As a result of the Scottsboro decisions by the Supreme Court of the United States, court officials in Virginia have actually impaneled an all-Negro grand jury. I think that this is going to the other extreme.

What Negroes want is justice, and not this kind of special consideration. All that we want is for the jury wheel to be filled without discrimination on account of race and color, and for the jury panels to be drawn in the same way.

The natural consequence of drawing an all-Negro jury will be that Negroes will pass only on the fates of Negroes, while the tendency will be for whites to pass upon the fates of either whites or Negroes. It will be like the Negro policeman who is allowed to arrest only Negroes. I distrust the Virginia method of complying with the Scottsboro decisions.

ENTERPRISE
Williamston, N. C.
JUL 2 1935

Negroes for Jury Duty

Elkin Tribune.

The last legislature passed a law making it compulsory for the board of county commissioners in every county in the State to purge the jury list for their respective counties, by removing from the box from which juries are drawn, those known to be unfit, those no longer living in the county and to provide a list of those mentally and morally fit to serve.

And in this purging, negroes qualified to serve on juries, are to take their chances on jury service along with the whites, and hereafter we will probably have mixed juries in North Carolina. This is in accordance with the recent ruling of the Supreme Court in the Scottsboro case which was thrown out of court because negroes were excluded from jury service in the trial of other negroes.

In this, North Carolina is but following the action of other Southern states where the race lines have been even more closely drawn than here. It is well that this precaution be taken, rather than involve the counties in almost certain needless expense, after the high court has spoken.

The commissioners in North Carolina counties have doubtless seen to it that only the better class of negroes have been listed. There are many of the colored race able and qualified to hear the evidence and help to render an intelligent verdict. If only these are placed in the jury box alongside of whites, the latter will accept them with due consideration, although their presence there will be an innovation.

Perhaps this gesture, enforced though it is, will serve as an incentive for colored citizens to prepare themselves, mentally and morally to assume this new responsibility of citizenship.

Juries—1935

First Mixed Jury In A District of Columbia Murder Trial

With southern states—and an increasing number of cities within the states—rapidly revising their jury lists to include colored jurors, considerable historical interest attaches to this picture. It is the first mixed jury in the District of Columbia in a murder case. It is the group which tried Mille Gaines in 1869 for the murder of a white man. She was freed in an insanity plea. Six white men and six colored men composed the jury.

The colored men (seated, left to right) are: David Fisher, second from left; the Rev. James D. Reed, fourth from left; and Leonard C. Bailey, extreme right. Standing are Charles Humphries, second from left; John A. Gray, fourth from left; and Herbert Harris, 6th from left. (Capital News Service)

Columbiana, Ala., Democrat
April 11, 1935

An Upheaval In Our Jury System

Governor Graves has done only what a conscientious executive sworn to uphold the law could do in the face of a very vexing situation—he has ordered the county jury commissions in the 67 counties to empty their boxes and revise their lists so as to include qualified negroes on the jury panels. The Governor says that it does not matter how distasteful to him the action may be, he has no other course open to him. He further emphasizes that the decision of the U. S. Supreme Court which is based on the Federal Constitution, need not be circumvented by subterfuge or indirection; that it must be complied with in good faith.

All of the legislative devices to "beat" the decision which is the Supreme law of the land, is thus frowned out of consideration. The old axiom says "you cannot do by indirection what you cannot do directly." Another appeal of the Scottsboro cases to the high court at Washington will bring another reversal as certainly as the night follows the day, unless the law is complied with bodly and in good faith.—The Selma Times-Journal.

Negro Sits on Jury In Louisiana Trial

NEW ORLEANS, May 17.—(AP) A negro, for the first time in 37 years, served on a district court jury at Gretna, just across the river from here, in the trial of a negro woman on a charge of possessing marihuana.

Parish officials said records showed a negro had not served on a jury there since 1898. The jury convicted the woman yesterday after deliberating 15 minutes.

The United States supreme court recently ruled that the names of negroes must be placed in jury wheels for drawing.

Negroes Not Barred As Jurors By Arkansas Statutes

Little Rock, Arkansas, May 16—(By the Continental Press)—That there are no legal restrictions against Negroes serving as jurors in Arkansas, was the information relayed to Fletcher Cooper, a member of the Editorial Staff of the New York World-Telegram, in reply to a query as to the Arkansas statutes.

The information was given out by Attorney General Thomas Fitzhugh. The communication to the New York World-Telegram inquiry said,

"Both Negroes and whites must be qualified electors to serve on a jury in Arkansas; there are no restrictions on Negroes and they stand on exactly the same footing within the law as do the whites."

Speaking further, Fitzhugh advised Cooper, "Their absence on juries is due to the jury commissioners' failure to select Negroes on jury panels, rather than to any inhibition or restriction in the law."

The issue of Negroes serving on juries was brought to national and international prominence through the recent decision of the Supreme Court in the far-famed Scottsboro case in which the high tribunal ruled that the accused Negro boys should have a new trial due to Alabama's policy of "systematic exclusion" of Negroes from jury duty, having been excluded from jury panels.

The recent pronouncement and opinion by the Attorney General is being viewed as the ultimatum by the legal minds of this section and many have said it is useless to attempt to further thwart the spirit and letter of the law as regards Negroes serving on juries, as it is unlikely that a case decided when Negroes are excluded would stand up before the high tribunal of the nation.

NEGROES NOT INCLUDED ON ROCKINGHAM JURY

Reidsville, May 16.—(UP)—Although three Negroes were included in a special venire of 25 talismen called for the trial of Joe R. Martin, Negro charged with criminal assault upon a Negress, none of them was selected to hear the case.

At adjournment of Rockingham County Superior Court late today, Judge J. Will Pless reached an agreement with State and defense attorneys whereby the remainder of testimony will be heard without the use of a jury. The 12 persons selected today will be discharged tomorrow, it was announced.

Judge Pless had ordered that Negroes be included in the venire, in accordance with a recent United States Supreme Court ruling in regard to the Scottsboro attack case. Negroes were called in proportion to their population as compared with that of white citizens.

Reidsville, N. C. Review
May 16, 1935

Negroes Summoned For Jury Duty Today In Wentworth Court

JUDGE PLESS ORDERS THREE NEGROES INCLUDED ON POPULATION BASIS IN ROCKINGHAM COUNTY CASE.

Wentworth, May 16.—Inclusion of three prospective negro jurors in the special venire of 25 men ordered in the case of Joe Raymond Martin, negro, charged with criminal assault, was decreed in Rockingham county Superior court here yesday by Judge J. Will Pless of Marion.

The order was made after it had been agreed by the court and counsel in the case that 10 per cent of the population of Rockingham county qualified for jury service are negroes. Thereupon, Judge Pless ordered that three negroes should be included in the special venire.

Judge Pless, taking cognizance of the recent ruling of the United States Supreme court that negroes have the constitutional right to jury service, brought up the question when the Martin case was called.

Martin, charged with criminal assault on a negro woman, is scheduled to go on trial this afternoon, and the special venire is being summoned to appear at that time for selection of the jury .

Joe Raymond Martin, charged with rape. The grand jury having returned in open court a true bill, as hereinbefore recorded, the defendant, Joe Raymond Martin, was brought into court and upon being arraigned pleaded "Not Guilty," whereupon the court directed and issued the following writ of venire facias:

This case was set for the first case after noon recess today.

Martin, a negro of Leaksville township, is charged with rape; Anna Belle Shepherd, a negress is the prosecutrix in the case. Attorneys Karl R. Massey and Fagge & Fagge are representing Martin, while Attorney J. Hampton Price is assisting Hon. Allen H. Gwyn in the prosecution. Martin is also charged with carrying concealed weapon.

This case is the first case to be tried in North Carolina with negroes serving on the jury. Order from the court is as follows:

State of North Carolina.

To Sheriff of Rockingham County, Greetings:

You are hereby commanded to summon 25 good and lawful men who are qualified to act as jurors to appear at the court house in Wentworth, N. C., on Thursday, May 16, 1935, at 1:30 p. m., then and there to serve as veniremen in the above entitled cause.

It appearing to the court and the court finding as a fact, upon agreement of counsel representing the defendant and the solicitor for the state that not more than 10 per cent of those persons residents in Rockingham county who are qualified under the present laws of the state of North Carolina, to serve as jurors are members of the negro race, it is ordered that at least 10 per cent of said veniremen so summoned shall be members of the negro race.

Of this writ make due return.

This May 15, 1935.

J. WILL PLESS, JR.,
Judge Presiding.

In the case of H. G. Simpson on indictment of murder, upon calling the case the defendent entered a plea of guilty of manslaughter.

Case charging Simpson with temporary larceny of automobile, the defendant tendered a plea of conditional guilt under the acts of 1933 and the cases were consolidated and it was agreed that the court hear the evidence in both cases, and pronounce the verdict

Wilmington [illegible]
May 16, 1935

Three Negroes Drawn For Service On Jury In Rockingham County

WENTWORTH, May 16.—(AP)—Rockingham county jury commissioners today drew a special venire of 25 talesmen, including at least three negroes, by special instructions of Judge J. Will Pless, for the trial of Joe Raymond Martin, a negro charged with criminal assault.

The number of negroes was fixed in proportion to the estimated ratio between white and negro citizens in the county.

Judge Pless' decision was made in view of the U. S. supreme court's recent decision in the Scottsboro case.

Gastonia, N. C. Gazette
May 16, 1935

Pless Orders 3 Negroes Drawn On Jurors' List

WENTWORTH, N. C. May 16.—(AP)—Rockingham county jury commissioners today drew a special venire of 25 talesmen, including at least three negroes by special instructions of Judge J. Will Pless, for the trial of Joe Raymond Martin, a negro charged with criminal assault.

The number of negroes was fixed in proportion to the estimated ratio between white and negro citizens in the county.

Judge Pless' decision was made in view of the U. S. supreme court's recent decision in the Scottsboro case.

NORFOLK, VA.
VIRGINIAN PILOT

MAY 6 1935

NUMEROUS CASES AWAITING ACTION OF GRAND JURIES

Eastern Shore 'Duck Bootlegging' Prosecutions Attract Wide Interest

More than 100 presentments are to be made before the Federal and Corporation Court grand juries which assemble this morning as new terms of criminal court get under way.

The whdlesale slaughter of ducks on the Eastern Shore by what has been termed a "duck bootlegging" syndicate is expected to be one of the most important cases to come before the Federal grand jury. Only two persons, W. T. Powell and William Turner, of Accomac, have been placed under arrest for alleged participation in the syndicate, but it is expected that presentments will be made against others.

It is understood that the results of a thorough investigation conducted throughout the winter will be laid before the grand jury for whatever action that body demands. Federal game officials charge that thousands of ducks were trapped on the Eastern Shore out of season and shipped to Northern markets.

A total of 52 presentments is to to be made to the Federal grand jury, most of the cases involving petty offenses.

Negro on Grand Jury

Sitting on the grand jury for the Corporation courts will be the first Negro to be a member of this body since Reconstruction days following the Civil War. P. B. Young, editor of the Journal and Guide, will represent the colored race. Other members of the grand jury are to be W. R. Howard, L. T. Dobie, Harry B. Vesey and Frank A. Evans.

Cases to come before this grand jury include a manslaughter charge against Luther P. Forehand, of Norfolk County, charged with fatally injuring Church Little, Negro, with an automobile, and a grand larceny charge against John R. Pope, accused of taking $3,275 worth of dental gold from the Harris Dental Company office in the Medical Arts Building. Mr. Pope was a former employe of this firm.

A total of 55 presentments are to be made to the grand jury by Commonwealth's Attorney John M. Arnold.

Of the 52 cases tried in the Corporation Courts last month, 35 resulted in convictions, 14 in acquittals, one was nol-prossed and two were dismissed. In Corporation Court No. 1, presided over by Judge William H. Sargeant, 16 felony trials resulted in 16 convictions and eight misdemeanor cases resulted in four convictions and four acquittals. Of the 20 felony cases tried in Corporation Court No. 2, presided over by Judge James U. Goode, 13 resulted in convictions, six in acquittals and one was nol-prossed. Eight misdemeanor cases cases resulted in two convictions, four acquittals and two dismissals.

Reidsville, N. C. Review
May 17, 1935

NEGROES NOT ACCEPTED ON COUNTY JURY

Although three negroes were included in a special venire of 25 talesmen called for the trial of Joe R. Martin, negro charged with criminal assault upon a negress, none of them was selected to hear the case.

At adjournment of Rockingham County Superior court late yesterday, Judge J. Will Pless reached an agreement with state and defense attorneys whereby the rmainder of testimony will be heard without use of a jury. The twelve persons selected yesterday were discharged today.

Judge Pless had ordered that negroes be included in the venire, in accordance with a recent United States Supreme court ruling in regard to the Scottsboro attack case. Negroes were called in proportion to their population as compared with that of white citziens.

Wilmington [illegible] Morning Star
May [illegible] 1935

NEGROES ON JURIES

A second supreme court verdict regarding the placing of the names of negroes in jury boxes was returned last week, this time affecting Oklahoma, and at least one North Carolina judge took cognizance of the opinions by ordering the names of negroes drawn in proportion to their population. In the particular case involved, the negro veniremen were not examined because the trial was ended by a submitted verdict before a jury was chosen.

An echo of the same decisions were noted in the closing moments of the legislature, although that issue was not mentioned when the assembly agreed to increase the number of peremptory challenges allowed in trials, an action which will practically preclude negro jury service, unless both sides are quite willing for the person summoned to serve in that capacity.

Juries—1935

PRESS COMMENT

YOU ARE ASKED TO SERVE

Cleveland Star.

For the first time since the Reconstruction, there was a chance here this week that the names of negroes might appear on a Cleveland jury list. It was a technical point, of course, raised through a Supreme Court decision. It meant that the names of colored folk would be placed on the list

The commissioners did not include the names of negroes and we believe there will be no objection on the part of either the white or colored race. Certainly, no Cleveland lawyers will call for mistrials because of the omission.

Inclusion of these negroes' names, however, is by far the least important features of selection now before the commissioners Without making any bones about the matter, it might as well be said here and now that, of course, none of these negroes will actually serve on juries. They will be excused or challenged. Nor, discarding all prejudice, do we see that the ends of justice would be enhanced in any way at all by having them serve.

We do not, for instance, believe that juries would be better or more just if women were compelled to serve on them—though we intend no comparison in this instance.

What we do need on juries is a carefully selected venire of able, honest, educated, reasonable citizens. The list should contain the names of the men best qualified for moral and mental reasons. The unfit, the unwary, the unthoughtful should be weeded out, until that jury list shone like an honor roll of intelligence and accomplishment.

Then, the other side of the picture—the men so selected should be willing to serve. There, there is the rub. The successful business or professional man has no time for one of the highest duties he can perform for his state. Patriotic in many other respects, he escapes jury duty with no more twinge of conscience than a small boy plays hookey from the fifth grade.

If the able, the honest and the intelligent would consent to serve on juries, then able, honest and intelligent judges and prosecutors would have a chance to enforce the law, to stamp out crime. And shyster lawyers would have to see some other means of livelihood.

NEGRO JURORS

The East Tennessee News.
4-4-35.

A MARKED DEGREE OF SATISFACTION is expressed on every hand as officials in charge of our Knox county criminal court make provision for the serving of members of the Negro racial group on grand and petit juries. The three men chosen represent the best type of Negro manhood in the county and without a question, they will serve with credit in the responsible positions to which they have been selected.

While the economic phase, wherein a fair stipend is provided for the services of these jurors, is worthy of consideration in times like these, the fact that such deserved recognition is accorded the racial group in this our East Tennessee county, is equally more to be applauded.

There is no reason why Negro jurors cannot hear the evidence in cases on which they sit and in all fairness and with justice toward all concerned, render a fair and impartial verdict according to the law and the evidence, whether the persons involved are members of their own racial group, or members of the white race. Knoxville, Tenn.

Anyway, our court officials and jury commission deserve praise for their prompt compliance with the law as provided under the Consitution. A fine example is offered the public as a whole when officials of court set about to carry on the affairs of the courts in a regular manner and in strict compliance with the laws under which they operate.

Nine Old Men

Speaking of the Supreme Court, the American Civil Liberties Union points out that of five significant decisions affecting civil liberties, last year, three involved rights of colored people.

They are the Scottsboro reversal, refusal to hear appeal of Angelo Herndon, 21-year-old Communist organizer, sentenced to twenty years on a Georgia chain gang; and the upholding of Texas courts which declined to permit colored persons to vote in the Democratic primary.

That means that in 1935 nine old men of the Supreme Court handed us two defeats and one victory. As indicated above, the one victory is not complete, and leaves much to be desired.

The point we make is that the Supreme Court's hostile batting average is exceedingly high, and we repeat: Here are nine old men who mean us no good.

If Roosevelt will make war on the Supreme Court, he should not lack our help.

BIRMINGHAM, ALA.
POST

JUN 28 1935

Mixed Juries

(Mobile Register)

The decision of the Supreme Court of the United States in the Scottsboro case, which has forced the state of the South to give both the white and the black races representation on jury lists, apparently will necessitate the reindictment and the retrial of a considerable number of offenders already tried and convicted.

It will place additional financial burdens on both the public and litigants involved in these cases, for in all cases where members of the colored race have been indicted, or tried and convicted, without any representation of their race on the lists of grand juries and trial juries, they are entitled to another hearing under this recent court ruling.

Per se the opinion of the Supreme Court in the Scottsboro case is unobjectionable; only the people of these states may wonder why it has taken the court of last resort so many years to reach the conclusion that mixed juries are necessary if the United States Constitution is to be complied with.

Under this Supreme Court decision, which probably should have come earlier, we will have mixed juries in all states; but it is unfortunate, we think, that the court of last resort did not by an earlier adjudication save litigants and the public the extra costs to which they will now be put.

TRIBUNE
Elkin, N. C.

JUN 14 1935

Negroes For Jury Duty

The last legislature passed a law making it compulsory for the board of county commissioners in every county in the State to purge the jury list for their respective counties, by removing from the box from which juries are drawn, those known to be unfit, those no longer living in the county and to provide a list of those mentally and morally fit to serve.

And in this purging, negroes qualified to serve on juries, are to take their chances on jury service along with the whites, and hereafter we will probably have mixed juries in North Carolina. This is in accordance with the recent ruling of the Supreme Court in the Scottsboro case which was thrown out of court because negroes were excluded from jury service in the trial of other negroes.

In this, North Carolina is but following the action of other Southern states where the race lines have been even more closely drawn than here. It is well that this precaution be taken, rather than involve the counties in almost certain needless expense, after the high court has spoken.

The commissioners in North Carolina counties have doubtless seen to it that only the better class of negroes have been listed. There are many of the colored race able and qualified to hear the evidence and help to render an intelligent verdict. If only these are placed in the jury box alongside of whites, the latter will accept them with due consideration, although their presence there will be an innovation.

Perhaps this gesture, enforced though it i

will serve as an incentive for colored citizens to prepare themselves, mentally and morally to assume this new responsibility of citizenship.

Washington, N. C., Progress
June 27, 1935

Negro Names Placed In Martin Jury Box

Williamston, June 26.—Revising the Martin County jury list recently the county commissioners for the first time in more than a generation placed the names of negro citizens in the jury box, making the members of that race subject to duty on the petit and grand juries in the Superior court of this county.

The commissioners limited their selection to men. The jury box is being selected with greatest care, the commissioners holding the number of names to the lowest point in several years.

NEGRO GETS JURY CALL IN MEMPHIS

But the Court Excuses Him From Panel

MEMPHIS, July 11.—Ewing J. Miller today became the first Negro veniremen to be called for service in the Shelby County jury box, but his period of duty ended abruptly a minute later.

As he took his seat in the jury box in the trial of City Judge Lewis T. Fitzhugh in a fine remission racket, defense attorneys made a motion that he be "excused for cause." Prosecuting attorneys agreed and Judge Phil Wallace granted the motion.

As a result of the Supreme Court ruling in the Scottsboro case, the names of two Negroes, including Ewing, a druggist, were added to the panel of 10,000 Shelby County residents eligible for jury duty.

Montgomery, Ala. Journal

Falling In Line

Our southern states are quietly falling in line, following the recent supreme court decision in the notorious "Scottsboro case."

During the past week, the presiding judge at Franklin, county seat of Williamson in Tennessee, gave public approval to the action of the jury commission in placing the names of several reputable, qualified negro citizens in the jury box.

He pointed out that such action was absolutely mandatory, and that to fail to do so, would simply subject any negro case from larceny to rape, in which a conviction was obtained, to reversal, in case it were appealed.

Jury commissions will be wise to go on and comply with the law laid down by the supreme court.

In the first place, few negroes are eligible for jury service; and, in the second place, if any were drawn, it is doubtful they would consent to serve.—Huntsville Times.

Ahoskie, N. C., Herald
July 4, 1935

NEGROES MADE ELIGIBLE FOR JURY SERVICE

Names of Twelve Go In Jury Box for First Time in Years

MADE NECESSARY BY COURT ACTION

New Jury List for Entire County Selected By Commissioners

For the first time since the turbulent days of reconstruction following the Civil War when Negroes sat on juries and held public office before political control was wrested from Republicans and carpetbaggers, Hertford county now has upon its list of citizens eligible for jury service in the county the names of twelve negroes, two from each township.

The twelve negroes were put on the list by the county commissioners Monday when they performed their annual duty of selecting from the tax scrolls the names of the citizens eligible and qualified for jury service, the job known as "purging" the jury list. Heretofore only white taxpayers have had their names in the jury box from which for each term of court are drawn at random the names of the men who will be called. But recently a decision of the Alabama Superior Court was set aside on appeal to the Supreme Court of the United States on the ground that Negroes were excluded from juries in that state and the defendants in the case at issue, five Negroes charged with a capital offense, ordered given a new trial. In order to avoid the possibility that any decisions rendered by courts in Hertford county should be invalidated for the same reason, the county commissioners Monday took precaution to pick two Negroes from each township in the county and make them eligible for jury service.

The commissioners followed an example that has been set by the majority of other counties of this and other Southern states where Negroes heretofore have been excluded entirely from jury service.

Attention was directed to the matter by Sheriff C. W. Parker when he appeared before the commissioners to assist them Monday to draw a list of jurors for the July term of Superior court and the new grand jury which will be empanelled at this term. The commissioners sought the advice of County Attorney W. Dare Boone on the advisability of the course, and he stated that unless the commissioners conceeded the eligibility of Negroes for jury service any decision of the county's courts might be reversed on appeal, if contested under the Supreme Court's decision.

Speaking unofficially to the board as a member of the bar, he also called their attention to the importance of careful attention to the board's annual duty to select the jury list and to purge from the box the names of those disqualified for jury service. He said, "Let me urge you to make a diligent effort to see that the highest type of citizenship of the county are placed on your jury list. I speak in no spirit of criticism of the jury system or of the verdicts of Hertford county juries, but only men of sober judgement and indepentent thought who cannot be controlled in their decisions by one or two strong minds should be selected to judge the serious issues that come before juries. There are many good men and taxpayers who are inherently unfitted for jury service, and I suggest that you select your list with that thought in mind."

The list was made up after the commissioner from each district had gone carefully over the tax list of his township and checked off those he considered unqualified for service. Each commissioner likewise selected the two negro citizens from their respective townships whose names were put on the list. They are: Murfreesboro, G. T. Rouson, Johnnie Strayhorn; Ahoskie, C. Y. Yeates J. S. Sills; St. Johns, Clarence Chavis, John Keene; Winton, Arthur Brett, Delaware Jones; Harrellsville, Tom Harrell, George Harrell; Maneys Neck, I. G. Cooper, G. F. C. Whitaker.

Plymouth, N. C., Beacon & News
July 5, 1935

Negroes for Jury Duty

Elkin Tribune.

The last legislature passed a law making it compulsory for the board of county commissioners in every county in the State to purge the jury list for their respective counties, by removing from the box from which juries are drawn, those known to be unfit, those no longer living in the county and to provide a list of those mentally and morally fit to serve.

And in this purging, negroes qualified to serve on juries, are to take their chances on jury service along with the whites, and hereafter we will probably have mixed juries in North Carolina. This is in accordance with the recent ruling of the Supreme Court in the Scottsboro case which was thrown out of court because negroes were excluded from jury service in the trial of other negroes.

In this, North Carolina is but following the action of other Southern states where the race lines have been even more closely drawn than here. It is well that this precaution be taken, rather than involve the counties in almost certain needless expense, after the high court has spoken.

The commissioners in North Carolina counties have doubtless seen to it that only the better class of negroes have been listed. There are many of the colored race able and qualified to hear the evidence and help to render an intelligent verdict. If only these are placed in the jury box alongside of whites, the latter will accept them with due consideration, although their presence there will be an innovation.

Perhaps this gesture, enforced though it is, will serve as an incentive for colored citizens to prepare themselves, mentally and morally to assume this new responsibility of citizenship.

Bronx, N.Y. Home News
JUL 12 1935

Colored Man Sits in Jury Box One Minute

For the first time since the reconstruction period, a colored veniremen sat in a Shelby County jury box in Memphis, Tenn., yesterday but he remained there for less than one minute. Defense and prosecuting attorneys joined in agreeing that the man, Ewing J. Miller, druggist, be "excused for cause." He was one of two colored men added to the 10,000 jury eligibles in the county after the Supreme Court Scottsboro ruling.

Juries - 1935

New York Herald-Tribune

JUL 12 1935

Negro Sits in Jury Box 1 Minute in Tennessee

Sop to U. S. Supreme Court Ruling Promptly 'Excused'

MEMPHIS, Tenn., July 11 (AP).—A Negro venireman sat in a Shelby County jury box for the first time since the reconstruction period today, and remained less than a minute. His name appeared on the panel from which jurors were being selected to try City Judge Lewis T. Fitzhugh and three co-defendants charged with the theft of $32,000 in an alleged "fine remission racket."

As the Negro, Ewing J. Miller, druggist, took a seat in the jury box, defense attorneys suggested he be "excused for cause," and prosecuting attorneys agreed. Judge Phil Wallace excused him. Names of two Negroes were added to the list of approximately 10,000 Shelby County residents eligible for jury duty as a result of the United States Supreme Court ruling in the Scottsboro case.

New York Evening Post

JUL 11 1935

2 NEGROES' NAMES ON SOUTHERN PANEL

U. S. Supreme Court Ruling Ends Jury Color Line

MEMPHIS, Tenn., July 11 (AP).—Names of two Negroes have been added to the list of approximately 10,000 Shelby County residents eligible for jury duty, as a result of the United States Supreme Court ruling in the Scottsboro case.

Although the chance of a Negro's name being drawn is one in 5,000, a Negro's name appeared today on the panel being selected to try City Judge Lewis T. Fitzhugh and three co-defendants charged with the theft of $32,000 in an alleged "fine remission racket."

A Negro inadvertently was called for jury service twelve years ago and promptly excused. No Negroes have been on county juries here since Reconstruction days.

Williamston, N. C. Enterprise
June 21, 1935

JURY LIST IS REVISED BY COUNTY BOARD THIS WEEK; NEGROES ARE INCLUDED FIRST TIME IN YEARS

Action To Include Negroes Taken By Authorities at Direction of Court

Revising the jury list in this county this week, the county commissioners for the first time in this generation or even longer placed the names of colored citizens in the jury box, making the members of that race subject to duty on the petit and grand juries in the superior court of this county. In making the list revision, the commissioners limited their selections to men. They apparently were of the opinion that the women do not care to serve as jurors.

The jury box is being selected with unusual care, the commissioners holding the number of names to the lowest point in several years, it is believed. In every case the selection is being made only after the ability of the prospective juror is determined. Consequently, there are not very many names of negroes in the box, and it is possible that not a single one will be drawn before time for another revision of the box.

In making the revision of the jury box, the commissioners placed the names of negroes on the list in accordance with rulings handed down by the courts. Where negroes do not possess the right to serve as jurors the courts have declared certain trials illegal. No requests for colored jurors have ever been heard in this county in many years, and the recent action is expected to cause no disturbance in the usual procedure of the courts.

Other counties in this and other Southern States are placing the names of colored citizens in the jury box to comply with the terms of the constitution, it is understood.

Two Among Ten Thousand

Dr. Ewing J. Miller, colored pharmacist, sat in the Shelby County jury box in Memphis last week for a minute, and was hastily excused by both sides.

It was another victory for the Scottsboro decision of the Supreme Court, which Shelby County has quietly nullified by adding names of only two colored persons to the list of 10,000 county residents eligible for jury duty.

Had the U.S. Supreme Court been really interested in seeing to it that colored people are placed on juries, even in the hostile South, it would never have intimated that the placing of two colored names among 10,000 white would be a fulfillment of the law.

Any real progress as a result of the Scottsboro decision will come because colored people insist upon their rights to serve on juries in actual practice.

Raleigh, N. C. Observer
June 25, 1935

NEGRO NAMES PLACED IN MARTIN JURY BOX

Williamston, June 24.—Revising the Martin County jury list recently the county commissioners for the first time in more than a generation placed the names of Negro citizens in the jury box, making the members of that race subject to duty on the petit and grand juries in the Superior Court of this county.

The commissioners limited their selection to men. The jury box is being selected with greatest care, the commissioners holding the number of names to the lowest point in

Elkin, N. C. Tribune
June 27, 1935

Negroes For Jury Duty

The last legislature passed a law making it compulsory for the board of county commissioners in every county in the State to purge the jury list for their respective counties, by removing from the box from which juries are drawn, those known to be unfit, those no longer living in the county and to provide a list of those mentally and morally fit to serve.

And in this purging, negroes qualified to serve on juries, are to take their chances on jury service along with the whites, and hereafter we will probably have mixed juries in North Carolina. This is in accordance with the recent ruling of the Supreme Court in the Scottsboro case which was thrown out of court because negroes were excluded from jury service in the trial of other negroes.

In this, North Carolina is but following the action of other Southern states where the race lines have been even more closely drawn than here. It is well that this precaution be taken, rather than involve the counties in almost certain needless expense, after the high court has spoken.

The commissioners in North Carolina counties have doubtless seen to it that only the better class of negroes have been listed. There are many of the colored race able and qualified to hear the evidence and help to render an intelligent verdict. If only these are placed in the jury box alongside of whites, the latter will accept them with due consideration, although their presence there will be an innovation.

Perhaps this gesture, enforced though it is, will serve as an incentive for colored citizens to prepare themselves, mentally and morally to assume this new responsibility of citizenship.

Birmingham, Ala. News
July 30, 1935

3,000 NEGROES TO GO ON JURY ROLLS

Jefferson Will Comply With Law In Refilling Box

When Jefferson County's jury box is refilled Sept. 1, names of at least 3,000 Negroes will be included in the 25,000 to 30,000 to be placed in the box.

This was definitely learned Tuesday simultaneously with action of the House judiciary committee in reporting favorably, on the eve of the reconvening of the Legislature, a bill empowering Circuit Court judges to order refilling of jury boxes in line with the U. S. Supreme Court's Scottsboro case decision.

The high court recently for the second time reversed the Scottsboro cases and granted new trials of Heywood Patterson and Clarence Norris, Negroes sentenced to death for criminally assaulting Victoria Price, a white girl, on tne contention that names of Negroes had been systematically excluded from the jury roll in Morgan County, where they were tried and convicted.

Although James T. Smith, chairman of the Jefferson County Jury Board, declined to say how many Negroes' names would be placed in the jury box, he declared "there will be names of Negroes in the box." He also declared there had been Negroes' names in the box in past years, but said "there have been only a few."

Negroes occasionally come to the courthouse with jury subpoenaes and request to be excused. Invariably they have been readily excused from service.

"We are not saying how many names of Negroes will be placed in the jury box, because it is not our practice to give anything definite about any class or race of people whose names are placed in the box," declared Mr. Smith. "The law requires us to keep secret names of those placed in the box."

Mr. Smith admitted, however, that names of between 25,000 and 30,000 persons, drawn from a cross section of Jefferson County and including persons from every walk of life, would be placed in the box when it is refilled.

The present law regulating the jury box in this county requires that it be refilled every two years. Clerks, under direction of the board, have been working more than a year compiling a new list.

Names of Negroes Put in Jury Box

HAYNEVILLE, Ala., Aug. 5 (AP). The "Scottsboro case" decision had its echo here today in Lowndes county, "heart of the black belt," as the names of four Negroes appeared in the 100 veniremen summoned for the trial of Elmer N. Arrant, a white man, on charges of murder.

None of the four appeared in court three sending certificates from physicians certifying they were physically unable to appear.

The fourth wrote the Judge he was in the employ of the federal government and might receive a call that would preclude his appearance. He was excused.

The names of Negroes have been placed in the jury box here since the United States supreme court in April reversed death sentences in the case of two of the nine Negro defendants in the "Slottsboro" case, holding that the absenie of Negroes from jury rolls was proof of "systematic exclusioni."

North Carolina Has Two Grand Jurors

GREENSBORO, N.C. (ANP)—History was made here Tuesday when David Gunn and John Gilmer of this city were among the eighteen jurors selected to serve on the county grand jury for the next six months.

BIRMINGHAM, ALA.
AGE HERALD

JUL 31

NEGROES ON JURY ROLL SLATED HERE

Names Of "At Least" 3,000 To Go Into Jefferson Box

Names of "at least" 3,000 Negroes will go into Jefferson County's jury box when it is refilled Sept. 1 with names of between 25,000 and 30,000 persons, it was learned Tuesday as clerks went about the work of completing the jury roll for the next two years.

James J. Smith, chairman of the County Jury Board, declined to say how many Negroes' names would be placed in the box, but admitted there "will be Negroes' names placed in the box."

In fact, Smith pointed out names of Negroes have been in the box in the last few years, and court attaches reported several Negroes summoned for jury duty had been excused at their own request.

While jury officials here were about the work of compiling names of Negroes along with those of white persons for jury service, the House judiciary committee reported favorably a bill for passage by the Legislature, empowering Circuit Court judges to order refilling of jury boxes over the state in line with the U. S. Supreme Court's decision in the Scottsboro case.

Under the law regulating the jury box in this county, it is refilled once every two years. Smith said the box would be refilled with names of persons drawn from every walk of life.

Negro Doctors Attack Legality Of Indictments

MEMPHIS, TENN., Aug. 10.—(AP)—Two negro physicians today filed pleas in abatement attacking the legality of Federal Grand Jury indictments against them on the ground that negroes allegedly have been systematically eliminated from Federal grand and petit juries here, including the jury which indicted them.

Drs. J. W. Beckett and A. Ross, along with nine other defendants, were indicted on charges of conspiracy to use the mails to defraud in connection with an alleged scheme to obtain money from an insurance company through fake death certificates.

Federal District Judge John D. Martin will hear argument on the plea, probably next week.

NEGROES IN JURY BOX

HAYNEVILLE, ALA., Aug. 5.—(AP)—The "Scottsboro case" decision had its echo here today in Lowndes County, "heart of the Black Belt," as the names of four negroes appeared in the 100 veniremen summoned for the trial of Elmer N. Arant, a white man, on charges of murder.

Of the four none appeared in court, three sending certificates from physicians to Judge A. E. Gamble, presiding, certifying that they were physically unable to appear.

The fourth wrote the Judge he was in the employ of the Federal Government and might receive a call that would preclude his appearance. He was excused.

The names of negroes have been placed in the jury box here since the United States Supreme Court in April reversed death sentences in the cases of two of the nine negro defendants, holding that the absence of negroes from jury rolls was proof of "systematic exclusion."

After the nation's highest tribunal had so held, Gov. Graves wrote all circuit judges in the State suggesting that if the jury boxes in their circuit did not contain the names of negroes, that the boxes be made to conform to the ruling.

Raleigh, N. C. Observer
July 30, 1935

Negro Jurors

Greensboro, July 29.—Two Negroes were chosen today for duty on the grand jury of 18 members to serve for the next six months. David Gunn and John Gilmer, Greensboro, were the two Negroes selected by lot from the 48 men summoned. As it happened they were the only two Negroes on the list and no Negro's name was on the trial jury panel.

The grand jury members declined to have their picture taken for newspaper publication.

Grand Jury, With 2 Negro Members, Gets to Its Task

Greensboro, N. C., News
July 30, 1935

First Time In Modern History of County That Negroes Have Been Drawn—Judge Shaw Is Presiding Over Court In Absence of Judge Pless.

Guilford county grand jury, with two negroes as members, yesterday returned indictments against white and black alike as it concluded the first day of inquest as a body of mixed color.

Two negroes, David Gunn and John Gilmer, were drawn for service on the grand jury for the fall term as Judge Thomas J. Shaw organized the court for the period. It was the first time in the modern history of the county that negroes have been drawn for jury service.

Other members of the grand jury are Palmer Godspeed, who was chosen as foreman, T. E. Marley, C. O. Bean, Vestal Snyder, C. E. Melvin, Frank P. Erwin, Paul Rumley, W. F. Pugh, Jack Bailey, J. Marvin Trantham, R. L. Lumley, J. E. Wood, O. W. Hester, G. P. Jennings, T. I. McLean and J. G. Stencil.

Only Two Negroes Drawn.

Gunn and Gilmer were the only two negroes included in the list of 48 men summoned for jury service at this term of court and both were drawn for service on the grand jury, leaving no negroes for the trial jury list.

Court convened shortly after 10:30 o'clock when it was learned that Judge J. Will Pless, Jr., of Marion, regularly assigned to this district for the fall term, would not be present. It appeared that Judge Pless, who has been attending the sessions of the American Bar association on the west coast, had foreseen the possibility of not being able to get back in time and had notified Gov. J. C. B. Ehringhaus, who commissioned Judge Shaw to preside in event Judge Pless did not show up in time.

Gives Brief Charge.

Judge Shaw charged the grand jury briefly, leaving an opportunity for a fuller charge to Judge Pless at the next session of court. He told the grand jurors that any information concerning any law would be furnished by the court when desired. He mentioned honesty, common sense and courage as the necessary qualifications for a good juror. The court then explained the general duties of the grand jury.

Judge Shaw declared that there is too much lawlessness in the country today and that the proper remedy is law enforcement. He saw no likelihood of crime being entirely wiped out, but expressed the opinion that it can be controlled if the courts and the grand juries set themselves to the task.

The grand jury remained in session until sometime after court had recessed for the day. Although it was reported that no capital cases were considered during the day, the jury returned several bills of indictment in less serious cases. Its work was not completed during the day, however.

Greensboro, N. C., News
August 1, 1935

NO EXCITEMENT.

The bar against negroes serving on the grand jury dropped in the Guilford Superior court this week as two members of the more or less black race took their places on this body of inquest. Their names were drawn from the box. The story has just been told but we venture to assert that it will cause no great stir here.

In the first place with a number of the Superior court judges and several bar associations assaulting the grand jury as an institution, people are beginning to wonder whether it makes any difference who serves on it or not.

But what is more important the people of this county are a law abiding people living as they can by the court's decisions. When the United States Supreme court by decision in a case from another state let it be known that a court of justice in this country, regardless of where located, must draw juries from a box with negro names in it, then that decision stood for Guilford county.

The yell of "nigger" doesn't scare our people any more. We have lived with the man of color too amicably and too long to get excited about him sitting on a grand jury that we have all but discarded anyhow.

Juries—1935

Names of Negroes Must Go in Jurybox

The North Carolina law requires the county commissioners to revise the jury list each two years, this being the time for such revisal. The Union county commissioners, like all the others in the state are up against the proposition of incldng the names of negroes on the list.

This is in consequence of a decision of the supreme court of the United States some time ago that negroes could not be exempted from the jury box on account of color. They must be selected according to the same rules that whites are put on the list.

The process of selection is this: The clerk of the board makes up a list of all names on the tax books, including only those who have paid their taxes for the preceeding year, in this case, 1934. These names are furnished the commissioners who then go over them and select all whom they deem qualified by character and intelligence to sit on a jury. These names are placed in the box and become the jury list for the next two years. When court comes on the commissioners draw the juries from this box, the drawing being done by a child too young to read.

There will be a number of colored men in the county who are tax payers and have paid their taxes for 1934. Their names will be included. Then the commissioners will pass on their qualifications the same as white men. Of course when it comes to a trial jury the same rules of exemptions and challenges apply to all.

Yesterday the commissioners directed the clerk to prepare the lists and this will be gone over by the commissioners at their next meeting. Negroes have not served on juries in North Carolina since the white supremacy campaign in 1898, but some will soon serve on them.

Mobile, Ala., Register
June 9, 1935

ARGUMENT OVER NEGRO JURYMEN LOOMS IN MOBILE

Counsel For Pair to Ask Quash Of Murder Indictments on Issue of Exclusion

SOLICITOR PLANS TO FIGHT EVIDENCE INTRODUCTION

To Be First Time Question Raised Here Since U. S. Scottsboro Ruling

Question of negroes being allowed to sit on Alabama juries will be raised in the state for the first time since the recent decision of the United States supreme court in the Scottsboro cases in Mobile circuit court next Thursday.

The question will arise in the cases of Frank Millhouse and R. P. Vaughn, negroes charged with the murder of Neil Sanne, grocer, during a $10 holdup last January.

Miss Rosa Gerhardt, attorney representing the negroes has asked the court to quash the indictments against them on grounds that members of the defendants' race were excluded from the grand jury which indicted them. Demurrers raising the question will be argued before the trials begin next Thursday.

Solicitor Bart B. Chamberlain, it was understood, will seek to present evidence to show that negroes have never been excluded from Mobile county petit or grand juries, and have actually served on them.

The United States supreme court reversed death sentences of negroes in the Scottsboro cases after the state supreme court had affirmed them, on grounds negroes had been excluded from Alabama jury panels in violation of the constitution.

WASHINGTON, D. C.
POST

MAY 27 1935

A Negro Jury In Fairfax.

An echo of the Supreme Court's decision in the Scottsboro case was heard in Fairfax County when the court summoned a special grand jury composed entirely of Negroes to hear charges against two colored persons. It is the first time in the history of the county that such procedure has been ordered, although more than 50 years ago some Negroes served on a trial jury. Yesterday's jury promptly returned the indictments sought by the Commonwealth attorney.

This is commendable recognition of an intricate problem. Whether it is the correct solution is debatable. Instead of eliminating racial lines within the courts, this procedure tends to accentuate them. Pursuing the court's logic, if the case had involved only white persons, Negroes would have been excluded from the grand jury. Or, again, if the charges had been placed against persons of foreign birth and background would all native-born citizens have been dismissed from the panel?

It is not the whole battle, but it is a good start. Now that the justice of admitting Negroes to jury service is recognized it should not be difficult to work out a plan whereby color lines would be completely ignored in selecting juries. Fairfax County is to be congratulated.

Concord, N. C. Tribune
June 11, 1935

NEGROES AND JURIES.

Charlotte Observer.

An innovation begins in this county in the matter of allowing negroes to serve as jurymen.

In view of the recent Supreme court decision in the renowned Alabama case, originating at Scottsboro, the action of the county commissioners was not only logical but unavoidable if protection is to be given verdicts in the local courts in the future against being thrown out for the same reason that the Scottsboro verdict went out—that negroes were barred in that state from jury service.

With the inevitability of this course before them, the commissioners have acted properly and wisely.

There are now two duties incumbent upon all concerned, first upon the commissioners to be exceedingly careful in their selections of jurymen, not only as to the colored, but as to the white race as well and, second, a duty resting upon the negro citizenship of the community to strive to advise itself to that degree of mental and moral fitness to accept this public responsibility.

MACON, GA.
NEWS

MAY 29 1935

NEGROES FOR JURY DUTY

From the Cairo Messenger.

The recent decision of the U. S. Supreme Court setting aside a verdict of an Alabama jury, involving Negroes, because Negroes were not permitted to serve on juries in that state, continues to stir up comment of all kinds. Immediately after the decision was announced, Governor Bibb Graves, of Alabama, in what apepared to be a hastily-prepared decision and statement, accepted the reversal by the high court and ordered that officials immediately place the names of Negroes in the jury boxes.

If Alabama's law is similar to that in this state, the order of Governor Graves was both unnecessary and unfortunate. The law in Georgia very properly leaves the question of putting names of Negroes in the jury boxes entirely with the jury commissioners in each county. The Georgia law simply says that "the jury commissioners shall select from the books of the tax receiver (the tax digest), upright and intelligent men to serve as jurors." Only a few Georgia counties have Negroes eligible for jury service, although in Chatham (Savannah) and Richmond (Augusta) counties, Negroes have been eligible for service on petit juries for years.

The Messenger understands that the jury commissioners in this county, and in most Georgia counties, at least, have followed the law, in spirit as well as in letter, in that no particular distinction has been made in the races, when unrightness and intelligence were being considered. It would not seem, therefore, that Alabama question should ever arise in this state.

EASTON, PA.
EXPRESS

MAY 29 1935

NEGRO JURIES

An echo of the Supreme Court's decision in the Scottsboro case was heard in Fairfax county, Virginia, when the court summoned a special jury composed entirely of Negroes to hear charges against two colored persons. It is the first time in the history of the county that such procedure has been ordered, although more than fifty years ago some Negroes served on a trial jury. The Fairfax jury promptly returned the indictments sought by the Commonwealth attorney.

This is commendable recognition of an intricate problem. Whether it is the correct solution is debatable. Instead of eliminating racial lines within the courts, this procedure tends to accentuate them. Pursuing the court's logic, if the case had involved only white persons, Negroes would have been excluded from the grand jury. Or, again, if the charges had been placed against persons of foreign birth and background, would all native-born citizens have been dismissed from the panel?

It is not the whole battle, but it is a good start. Now that the justice of admitting Negroes to jury service is recognized, it should not be difficult to work out a plan whereby color lines would be completely ignored in selecting juries.

Memphis, Tenn. Commercial Appeal
June 8, 1935

JURY LIST MAY HOLD NAMES OF NEGROES

Speculation Starts on Whether They Will Serve Here

SOME SAY THEY WILL

Believe Eight or Ten May Have Been Drawn From Box for Panel Which Reports Monday to Judge Harsh

Whether negroes will appear in Shelby County jury boxes beginning Monday, for the first time in many years, became a much debated question at the courthouse yesterday.

Some who ought to know say that names of negroes were in the venire list from which the new set of jurors were drawn, and that by the law of averages, eight or 10 names of negroes were drawn from the box for the panel that reports to Judge Harsh Monday.

Others Say No

Others, who also ought to know, insist that negroes will not appear until the courts open for the fall term, the third Monday in September.

Because the laws protecting the venire lists are so strict, no one will discuss for publication the procedure used for the new panel.

Curtis Tinsley, deputy criminal court clerk, was blindfolded as he reached into the large box containing 3,000 name cards before Judge Harsh last Friday. He drew out about 300 cards, but the cards are not marked to show the color of the men named. The names are known only to the jury commission and deputy sheriffs who are serving notices, until after the panel of 90 names has been filled Monday, when the entire list of 300 will become available.

Because of the Scottsboro decision of the federal supreme court, which has already forced the names of negroes into the venires of Alabama and New Orleans, there must be a change in the Shelby County jury drawings, it is agreed at the courthouse.

See at Least One

Others say that the decision will require at least one negro on the grand jury, and raise the question of whether women grand jurors and petit jurors may not be required.

Either women jurors or negroes are going to cause sudden changes in the jury dormitory on the first floor of the criminal courts building in which juries in major criminal cases are locked up overnight. The dormitory is a large open room with beds arranged in rows, and the jury dining room contains only two long tables parallel to each other.

Tennessee law requires only that jurymen be "upright and intelligent men of fair character and sound judgment as far as practicable," but in the Scottsboro case the supreme court sent back a case of negroes convicted without negroes in the jury panel.

W. W. Norfleet of Collierville who is in charge of jury selection as secretary of the county jury commission, could not be reached yesterday, and Paul Barret and J. F. Dudney, jury commissioners, declined to discuss the new panel.

Appeared "By Mistake"

It has been nearly 30 years since the last negro magistrate left the Shelby County Court. In the meantime, negro names have rarely shown up in the jury venire and none has reached the jury box in many years. One negro appeared "by mistake" in a jury drawing before the late Judge Ed Richards and was firmly dismissed from the bench, though he was willing and anxious to be a juryman.

Attorneys defending negro clients in criminal cases have from time to time pleaded that there must be negroes on the jury, but have been overruled repeatedly.

Shelby County can delay making the changes required by the Scottsboro decision, some attorneys pointed out. Negro names in the venire would be sufficient to meet the requirements whether or not there are enough negro names so that they would appear frequently in the panels made up by blindfold drawings, it was said.

Or negroes could be left off of the grand jury and petit jury venire until some negro defendant raised the point, which would have to be raised by a plea in abatement before the hearing was held. In this case a negro could be added to the grand jury, the indictment recommitted and a new petit jury venire including negroes could be drawn.

Should this procedure bring a negro into the jury box who did not disqualify himself on examination, peremptory challenges could be used.

These methods of delay are not to be used here, however, it was said yesterday.

Taylorsville, N. C., Times
June 5, 1935

MEEKINS OFFERS USE OF NEGROES ON JURY

Question Comes Up In Elizabeth City Trial—Motion To Quash Denied.

Elizabeth City, June 4.— Ghosts of the Scottsboro case paraded this afternoon as Judge I. M. Meekins, presiding over a special term of United States district court here, denied a defense motion to quash an indictment against Alonzo Smith, Perquimans county negro charged with liquor tax evasion, because no negroes were on the grand jury or petit jury list.

But Judge Meekins offered to send for a negro and put him on the jury, or allow P. G. Sawyer defense attorney, to exhaust his 10 challenges and then the judge would place 10 negroes on the jury.

"I don't want to be sensational your honor," said Sawyer, chairman of the Democratic executive committee in Pasquotank. I'm a Democrat and head of the Democratic party in this county."

Sawyer said he had been informed Judge Meekins, during a recent session of United States district court in Raleigh, had ordered that names of negroes be placed on the jury list.

Judge Meekins emphatically denied having issued an order and said names of negroes had not been excluded from the judy lists.

"There has been no effort to keep negroes out," declared the judge. "There have been negroes on federal juries in New Bern Wilson and Durham."

The negro was acquitted.

Charlotte Observer
Eagle

NEGROES TO SIT ON MECKLENBURG JURIES

CHARLOTTE, June 4. — The Mecklenburg board of county commissioners has voted to admit negroes to jury duty without discrimination. It unanimously adopted a resolution that in the bienial purging of the county jury list this month that all non-delinquent taxpayers of good morals and sufficient intellig nce be listed for jury service.

NEW ORLEANS, LA.
STATES
JUN 5 1935

JURY SERVICE HERE IS OPENED TO NEGROES

Probability that the names of negroes will be placed in the jury wheel of Orleans parish so as to conform with the recent Scottsboro decision of the United States supreme court, which remanded for retrial the case of two negroes convicted in Alabama by an entirely white jury, loomed today as the result of an order signed by Judge William J. O'Hara, criminal district court.

The motion and order, signed by Judge O'Hara at the request of William P. Dillon, Dr. Frank S. Oser and Jules Moustier, jury commissioners for the parish of Orleans, authorizes the jury commission to open the jury wheel containing 700 names and make a check of the names therein for the purpose of ascertaining if it complies with the ruling of the United States supreme court.

The motion and order, signed by Judge O'Hara, and containing the signature of the three jury commissioners, reads:

"On motion of William P. Dillon, Dr. Frank S. Oser and Jules A. Moustier, jury commissioners for the parish of Orleans, and on suggesting to this honorable court that in order to comply with the recent decision of the United States supreme court, in what is commonly known as the Scottsboro case, which is the case appealed from the state of Alabama to the United States supreme court, it is necessary that the jury commissioners open the jury wheel and make a check of the list of names in the jury wheel.

"It is therefore ordered by the court that the jury commissioners for the parish of Orleans be authorized, and they are hereby authorized, to open the jury wheel and make a check of the names therein contained for the purpose of ascertaining whether the jury wheel, as it now stands, complies with the decision of the United States supreme court in the Scottsboro case, above referred to."

The law requires that in Louisiana there shall be at least 700 names in the jury wheel at all times, and it is generally accepted as a fact that jury commissioners in the past have studiously guarded against the placing of names of negroes in the wheel.

The accepted implication of the motion and order filed and signed today is, therefore, that if and when the jury commissioners find that there are no names of negroes in the jury wheel names of members of that race will be put in.

In the Scottsboro case in Alabama attorneys for the convicted negroes, charged with assault upon two white women, after winning one appeal and suffering another conviction, finally appealed on the ground that the conviction was illegal because of the fact that names of negroes were excluded from the jury wheel, thus assuring trial by a jury of only white men. The United States supreme court upheld that contention and again remanded the case for a new trial.

NEW ORLEANS, LA.
ITEM
JUN 5 1935

Negroes To Go In Jury Wheel

Inclusion of the names of Negroes in the wheel from which the names of talesmen for petit juries in the criminal district court here are drawn seemed certain today after the parish jury commissioners had applied for and received an order to open the wheel and see whether the list of names complied with the decision of the United States supreme court in the Scottsboro case.

In this case the high court voided the conviction of several Negro boys in Alabama for rape when it was shown that Negroes had no chance of serving on the jury which convicted them.

In Gretna Wheel

In accordance with this decision, the names of Negroes were placed in the wheel in Gretna several days ago when a jury was to be selected to try a Negro for rape.

The test of the order issued this morning by Chiminal Judge O'Hara on motion of the jury commissioners follows:

"On motion of William P. Dillon, Dr. Frank S. Oser and Jules A. Moustier, jury commissioners for the parish of Orleans, and on suggesting to this honorable court that in order to comply with the recent opinion of the United States Supreme court in what is commonly known as the Scottsboro case, which is a case appealed from the State of Alabama to the United States Supreme court, it is necessary that the jury commissioners open the jury wheel and make a check of the list of the names in the jury wheel.

Check Names In Wheel

"It is therefore ordered by the court that the jury commissioners for the Parish of Orleans be and they are hereby authorized to open the jury wheel and make a check of the names therein contained for the purpose of ascertaining whether the jury wheel as it now stands complies with the decision of the United States Supreme court in the Scottsboro case above referred to."

Juries—1935

BURLINGTON, N. C.
TIMES

JUN 17 1935

ONE GOOD ACT

The act of the recent legislature designed to purge the jury will, in our opinion prove to be one of the best, if properly executed. The act provided that the county commissioners of the several counties of the state should on the first Monday of June purge the jury list.

The object of the act was to purge the jury list of the counties of those names unfit for jury service, and there is little question that something of the kind has been seriously needed in North Carolina for many years. Service upon the jury is a high and honorable duty of the citizen. At one time or another every citizen of the state capable of judging between right and wrong and of unquestioned character, should serve as a juryman.

Along with the new jury purges comes a new innovation in the state in the edict of the United States Supreme Court that Negroes shall be placed on the jury list along with whites.

The commissioners of the several counties of the state have an opportunity to place upon the jury list the best that can be obtained among its citizenship. The Supreme Court decision gives to the Negro citizens the opportunity to serve their state in a new and responsible capacity.

NORFOLK, VA.
LEDGER DISPATCH

JUN 24 1935

Why He Preferred a White Jury

Our brothers of the North and other outland sections of the United States probably will not understand why that Tennessee Negro, on trial for murder, told the judge he'd "rather be tried by white folks" when his own counsel offered a plea in abatement on the ground that the grand jury which indicted him contained no Negroes.

It's an old story to us, however, which has been explained by The Ledger-Dispatch and other Southern newspapers. We know, and so representative a Negro newspaper as the Norfolk Journal and Guide has frequently deplored, the fact that one of the reasons there are so many crimes of violence among Southern Negroes is that white juries are inclined to deal comparatively lightly with Negroes convicted of such crimes—toward and against other Negroes.

We know, too—and by "we" we do not at all mean only these columns of The Ledger-Dispatch—that the better Negroes, the substantial Negroes, who constitute the only Negroes who are or will be called to jury service, regret and are ashamed of the crimes committed by so many of their group—even though they realize that these occasional criminals are piteously under-privileged. And we know, and the "bad" Negroes know, that substantial Negroes sitting on juries will be severe, if not harsh, in their judgment of men who, they consider, bring shame upon their race.

To our people, it is quite natural that such a Negro as was on trial in Tennessee should prefer to be tried by a jury of white men. We have no idea, however, that we can ever explain it so that outsiders can understand it—or will believe it.

News

Negroes' Names Not Permitted On Jury Rolls

When Colored Juror Summoned It's Always Due to a "Mistake."

Women Also Are Excluded

Jury Commission Draws Prospects From "Mixer."

Negroes are systematically excluded from jury service in Hamilton County by leaving their names off the jury list compiled from registration books.

When the name of a Negro—or a woman—is put on the list it is by oversight. The registration books give the color of the registrants and in this way the Jury Commission can tell whether the men they are putting on the last are colored or white.

Once in a while a "mistake" is made and a Negro is summoned for jury duty. A qualified Negro appeared in Judge Charles W. Lusk's court about two years ago on a jury summons and was accepted. That was the first time in years that a Negro had sat on a jury in Hamilton County. A Negro was also summoned for jury duty in Judge L. D. Miller's court about the same time, but he was excused when he said that he did not care to serve.

The fact that a Negro served on a jury in Judge Lusk's court and another was summoned for service in Judge Miller's court may keep the Supreme Court of the United States from reversing cases appealed to the highest tribunal in the land on the ground that a Negro defendant has been denied his constitutional right of a fair and impartial trial by a jury of his peers because no Negroes are ever included in Hamilton County jury panels. The famous Scottsboro cases were reversed for this reason.

Apparently, the exclusion in Hamilton County is just as systematic, but not as thorough as in Jackson County, Alabama.

Secretaries of a jury commission to whom the task of compiling jury lists was left were generally given the credit, or blame, when a Negro got on the list.

Woman Picked Occasionally.

Once in a while a woman who had a name that sounded masculine was placed on the list. One woman has been summoned two or three times for jury service.

KANSAS CITY, MO.
JOURNAL POST

JUN 25 1935

CUSTOMARY BAN ON NEGRO JURORS IN MISSOURI 'OK'

Judge Denounces Protest in Murder Trial at Fulton.

By W. H. BROWN
Of the Journal-Post Staff.

FULTON, MO., June 24.—Circuit Judge W. C. Hughes of Montgomery City Monday in strong language overruled a motion in Callaway circuit court which sought to obtain for Missouri Negroes the right of representation on petit and grand juries in cases where Negroes are defendants.

The motion, based on the United States supreme court opinion in the celebrated Scottsboro, Ala., Negro statutory cases, was made by Don C. Carter, Sturgeon, Mo., attorney and former state representative in the trial of Anderson Logan, 46-year-old Negro. The trial of Logan, charged with the shotgun murder of his wife, Angela, 42, was brought here on a change of venue from Boone county.

Plans "Fair Trial."

In announcing his ruling, Judge Hughes asserted that he had no intention except providing for "an absolutely fair and impartial trial."

He asserted the Logan case is "distinguished widely" from the Scottsboro, Ala., cases and that the motion appeared to him "in the nature of a dilatory motion."

At the conclusion of Judge Hughes' ruling, Carter again entered an objection, holding that selection of the jury without inclusion of Negro veniremen on the panel was "discrimination against the Negro race."

"Again we challenge the whole panel," Carter said in objecting to proceeding with the trial without Negro representation on the jury.

More Objections Made.

Judge Hughes said that the case here and that at Scottsboro, Ala., varied in that juries at Scottsboro were chosen under a jury commission system whereas the Logan trial panel was a "special venire in a special case" chosen on order of the court by a deputy sheriff.

As the jury finally was seated, Carter again made strenuous objection declaring the twelve men had been chosen in disregard of the Negro defendant's rights under the fourteenth amendment to the United States constitution as outlined in the Scottsboro case decision by the United States supreme court.

In the Scottsboro case, the supreme court held that "for this long continued, unvarying and wholesale exclusion of Negroes from jury service—we find no justification consistent with the constitution's mandate."

Prosecutor W. H. Sapp of Boone county, arguing the motion, declared "there is no showing that Negroes qualified would be available for jury service."

Calls It Discrimination.

"It would have made no difference if half the town were Negroes," Carter answered. "The deputy sheriff still would not have selected one on the panel. His testimony showed that. It is a question of discrimination.

"The deputy sheriff has obtained thirty splendid men. There is no question about that. But why isn't there a sprinkling of qualified Negro men among them?"

As the state prepared to put its first witness on the stand, Carter announced: "The defendant refuses to take any part in the case by reason of the fact the jury was obtained by the deputy sheriff in violation of the defendants right under the Fourteenth amendment."

Carter, asserting it was "for the reason heretofore stated," refused to cross-examine any state witnesses.

"I will offer no witnesses for the defense and make no closing argument. I will make no fight of any kind," Carter said. "I intend to make my case on the one point."

Carter announced that in the event of an expected conviction, the case would be appealed to the state supreme court and from there to the United States supreme court if the high state tribunal does not reverse Judge Hughes' decision.

The Scottsboro United States supreme court opinion, he averred, will be the basis for the anticipated appeal.

The Columbia Negro's trial was the first in Missouri to raise the controversial interracial question on the basis of the United States supreme court's Scottsboro opinion, which was decided on only last April 1.

Ban Is Customary.

Under long-established Missouri judicial practice, no Negro, so far as could be learned, has ever served on a grand jury and few on petit juries. In Callaway county and many other Missouri counties of southern tradition, no Negro has ever so much as been actually included on the jury wheel from which veniremen are chosen.

In the Scottsboro, Ala., cases—in which eight Negro boys were charged with attacking two white girls—the United States supreme court reversed and remanded death sentences of the Negroes on the ground that they had been indicted by grand jurors and tried before petit jurors chosen from Alabama venires from which over a long period Negroes had been excluded systematically.

The dynamite-like question of legal interracial discrimination was raised before a full court room in the 79-year-old Callaway county courthouse. About a fourth of the audience was made up of Negroes, but most of these were witnesses in the case, it was understood.

In the crowd, representative of the "kingdom of Callaway" as this county of marked southern tradition and background is known, there was much murmured undertone, but nothing ominous and no apparent indignation. Largely, as Callaway county officials explained, because the case directly concerns only Negroes, there is little or no ill feeling.

Calls Deputy Sheriff.

In establishing an evidential basis for his motion to quash the panel, Carter first called Pete Owen, deputy sheriff, who called the special venire to the witness stand.

Carter's motion asserted that "for the reason that the deputy sheriff of Callaway county, Mo., in the selection and summoning of the aforesaid venire of thirty men, unlawfully discriminated against the defendant in violation of the fourteenth amendment."

Carter questioned Deputy Sheriff Owen:

Q—Did you make any discrimination because of race or color in selecting the panel. A—I selected men I thought suitable for jury service.

Q—If there were four or five good intelligent Negroes standing right outside of your door as you went to select this panel would you have selected one of them? A—It hasn't been customary.

Q—You just haven't been reared that way? A—I could answer you that question better, sir, outside of the court room.

Owen testified that during his service as a Callaway county officer—he formerly was sheriff—for over six years no Negro ever served on a grand or petit jury.

Howard Lang, court reporter, asserted that he, in his service of twenty-six years as a reporter in this circuit, had never known of a Negro juror in Callaway or Boone counties.

Lang was asked if in Callaway county there are a large number of Negroes "sober, intelligent and over 21 years of age." The words quoted are the Missouri statutory description of jurors' qualification.

"There are a number of sober and intelligent Negroes over 21 years of age in Callaway county," Lang replied.

Hickory, N. C. Record
June 14, 1935

Negroes' Names To Be Drawn For Caldwell Jury

(Special to Record)

LENOIR, June 14.—Names of negroes will be included in the Caldwell jury box when it is purged within the next 10 days, Clerk Fred H. Hoover said today.

This unusual procedure, which perhaps will be the first time in the county that such action has been permitted by custom, is occasioned by the recent ruling of the United States Supreme court in the celebrated Scottsboro case, a new trial being granted because negroes were not included among those eligible for jury service.

The purging is a tedious task. There are perhaps 600 or 800 names on the list, and about 200 more names will be added when the clerk, sheriff, register of deeds, and county commissioners revise the jury box.

Greensboro, N. C., News
June 26, 1935

Lack of Negroes On Jury Will Be Plea For Defense

Fulton, Mo., June 25.—(AP)—Punishment by death was the jury's recommendation today in convicting Anderson Logan, 46, Columbia, Mo., negro for murder in a case that may become the Missouri version of the Scottsboro, Ala., negro cases.

Defense Attorney Don C. Carter, who cited the United States Supreme court's Scottsboro decision in objecting to the jury panel because it did not contain any negroes, said he would carry his fight to that tribunal if necessary. He presented no defense in the trial.

Rocky Mount, N. C., Telegram
June 25, 1935

Names Of Colored Men Placed On Jury Lists

Williamston, June 25.—Revising the jury list in the county here recently, the county commissioners for the first time in more than a generation placed the names of colored citizens in the

Greensboro, N. C., News
June 27, 1935

Negroes Put On Jury List For Martin Superior Court

(Special to Daily News)

Greenville, June 26.—Revising the Martin county jury list recently the county commissioners for the first time in more than a generation placed the names of negro citizens in the jury box, making the members of that race subject to duty on the petit and grand juries in the Superior court of Martin county.

The comissioners limited their selection to men. The jury box is being selected with greatest care, the commissioners holding the number of names to the lowest point in several years.

Statesville, N. C. Daily
June 18, 1935

NEGROES AND JURIES

Charlotte Observer.

An innovation begins in this county in the matter of allowing negroes to serve as jurymen.

In view of the recent Supreme court decision in the renowned Alabama case, originating at Scottsboro, the action of the county commissioners was not only logical but unavoidable if protection is to be given verdicts in the local courts in the future against being thrown out for the same reason that the Scottsboro verdict went out—that negroes were barred in that state from jury service.

With the inevitability of this course before them, the commissioners have acted properly and wisely.

There are now two duties incumbent upon all concerned, first upon the commissioners to be exceedingly careful in their selections of jurymen, not only as to the colored, but as to the white race as well and, second, a duty resting upon the negro citizenship of the community to strive to advise itself to that degree of mental and moral fitness to accept this public responsibility.

Charlotte, N. C., News

Will Meet For Jury List Work

Next Wednesday morning the Mecklenburg board of county commissioners meets to prepare its jury list for the next two years and on Thursday or Friday will assemble in joint session with the county school board, which will make its petition at that time for approval of the proposed $677,000 PWA school building project.

The jury list this year will be a matter of considerable significance, since negroes as well as white men will be listed and called for jury service.

The school board, at the later meeting, is expected to meet with strong objection on the part of the county commissioners to a bond issue for schools at this time. The county board of commissioners is the tax levying body and it already foresees a greater levy than it desires to make.

TENNESSEE CALLS NEGROES ON JURY

Names Were Placed in Box in 1933, Says Official.

KNOXVILLE, July 1.—(AP)—Negroes were chosen today to serve on the Knox county grand and trial juries, but Attorney-General J. Fred Bibb said it was not done because of the recent ruling of the United States supreme court in the Scottsboro, Ala., case.

"Their names," he said, were drawn from a list prepared and placed in the jury box two years ago."

"The Knox county jury commission," he explained, "always has placed the names of negroes in a box from which juries are selected. This meets the provisions of the constitution."

Bibb said a negro served on a Knox county grand jury about five years ago "without objection from white members of the jury." Another negro, he said, served on a trial jury in circuit court about 15 years ago.

W. P. Chandler, chairman of the Knox county jury commission, said the names of the negroes selected today were placed in the jury box in September, 1933.

There is nothing on the list, he said, to designate whether the prospective jurors are white men or negroes.

Twelve grand jurors were chosen today, two of them, David H. Kemp and James Price are negroes. Sam H. Toole, negro, was selected as one of the 32 trial jurors.

3 Negroes Drawn For Service On Knoxville Trial And Grand Juries

KNOXVILLE, TENN., July 1.—(AP)—Three negroes—a school teacher, a farmer and the head waiter at one of the city's largest hotels—were chosen today to serve on the Knox County grand and trial juries.

No negro has served on a trial jury in the county for 20 years, officials said, but several have been members of grand juries in recent years.

Atty. Gen. J. Fred Bibb said the recent ruling of the United States Supreme Court in the Scottsboro, Ala., case holding that negroes had been systematically barred from jury service there, had no effect on the choosing of the three negroes today.

However, Criminal Court Judge E. G. Stooksbury said that "we know we ought to have some negroes on the juries, and because of the Scottsboro decision, our jury commission probably was more particular in seeing that names of negroes were in the box."

The names of the three negroes were among 4,000 placed in the jury box two years ago, W. P. Chandler, chairman of the county jury commission, said.

"We never put the name of a negro in the box unless we know him," he explained, "and he must be a property owner."

Out of the 4,000 names, 110 were furnished Criminal Court today as prospective jurors. Judge Stooksbury said 47 qualified, and, out of these, 12 were chosen as grand jurors and 30 as trial jurors.

The two negroes on the grand jury are David H. Kemp, hotel head waiter and James Brice, farmer. Sam H. Toole, elderly negro school teacher, was placed on one of the regular trial juries.

Under Tennessee law, jurors trying a felony case, must be kept together. Sleeping quarters for jurors engaged in hearing a felony trial are provided at the Knox County courthouse.

Asked what provision would be made if a negro were selected to try a murder case, Judge Stokesbury said:

"We'll decide that when we get to it."

NEGROES ARE CHOSEN AS KNOXVILLE JURORS

But Supreme Court Ruling Is Not Cause

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Juries-1935.

Brewton, Ala., Standard
September 12, 1935

Negroes' Names Now On Jurors List In County

Supreme Court Ruling Complied With By Board Recently

Although the jury box of Escambia county was recently refilled by the jury board to conform with the decision of the Supreme Court of the United States in the famous Scottsboro cases, and the names of 40 negroes were placed in the box, it so happened that none of those drawn for jury service at the coming term of circuit court are negroes.

Panels were drawn for the two weeks of court by Judge F. W. Hare during the past week and a total of 114 names were taken from the box but the list compiled after the drawing discloses that all of those who will serve at the October term of court are white citizens of the county.

When the United States Supreme Court held that the negroes in the Scottsboro cases were denied a fair trial because the names of negroes were "systematically excluded" from the jury box of the county in which the negroes were indicted and tried Governor Graves immediately directed the jury boards in all counties of the state to refill the boxes and include therein the names of negroes who meet the qualifications prescribed by law for jurors. More recently the Alabama legislature passed an act requiring new jury lists to be prepared in every county and the boxes refilled so that the holding in the Scottsboro cases would be met.

The Escambia county jury board recently completed its work in conformity with the new law and the decision of the Supreme Court, and this week was the first time that jurors have been drawn for service in this county since the names of negroes were added to the rolls. The fact that no negroes were drawn this time was a mere matter of chance, as the cards containing the names of qualified jurors are taken indiscriminately from the box by the judge and the identity of none of the jurors is known until the required number have been drawn.

According to Circuit Clerk J. F. Smith, who is also clerk of the jury board, the new list in this county since the 40 negroes were added by the jury board contains a total of 1,000 names of persons, white and colored, who, in the opinion of the board, meet the qualifications prescribed by law for jurors.

The experience of trying cases with negroes on the jury panel will not be a new one for older members of the local bar, when the names of colored persons are drawn from the box. Prior to the adption of the Alabama Constitution of 1901 negroes were frequently drawn for jury service and indictments were often returned by grand juries which had negro members, although it was seldom that negroes were selected to sit in the trial of cases.

Statesboro, Ga., Herald News
September 12, 1935

NEGROES ENTERED FOR JURY SERVICE

RULING OF SUPREME COURT CAUSES MORE NAMES TO BE ADDED IN MIDDLE DISTRICT.

Macon, Ga., Sept. 9.—The names of outstanding negroes in the middle district of Georgia are being placed in the jury box of United States court, it was learned here yesterday.

While the names of some negroes have been in the jury box for many years, Judge Bascomb S. Deaver has directed the selection of a larger number since the decision of the supreme court in the Scottsboro, Ala., case was handed down several months ago.

That decision reversed the lower court in the trial of a group of negroes on criminal assault charges because negroes were excluded from the jury box.

George F. White, clerk of the district court here, has asked county authorities in each of the 71 counties of the district to supply the names of several outstanding negro citizens. Mr. White is a member of the commission now engaged in revising the federal jury. Serving with him is one citizen from each division of the district.

The new box is expected to be ready for the opening of the November term of court here. Negroes already are said to be serving frequently in the northern district of the United States court.

NEW YORK TIMES

SEP 25 1935

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He is H. C. Armstrong, elderly school teacher, one of 20 residents of Coahoma county selected to consider for the second time the cases of two St. Louis negroes, Fedrow Pearson and Roosevelt Moon, charged with the robbery-slaying of James C. Parker, an aged Coahoma county merchant.

The defendants were indicted for murder by a previous grand jury composed solely of white men, but Judge William A. Alcorn quashed the indictments on motion of counsel for defense that the negroes had been denied their constitutional rights because negroes had been discriminated against in selection of grand and petit juries.

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BURLINGTON, IA.
HAWK-EYE

SEP 19 1935

SOUTHERN JURIES.

In accordance with the "Scottsboro decision" of the United States Supreme Court and a subsequent order issued by Governor Graves, 2,000 Negros now become subject to jury service in Jefferson County, Alabama. Their names will be placed on the jury roll on September 1.

The names of some 30,000 white persons are being put on the rolls at the same time, which considerably reduces the chance of Negroes to serve as jurors. The chairman of the county jury board states that the names of some Negroes have been on the lists in the past, but that when they have been summoned they have usually requested dismissal.

With more Negroes on the lists and with the Supreme Court upholding their right to serve, it is likely that some of them will actually perform jury service. Another step has been taken toward equal justice. Others can be taken only as progress is made in education, tolerance, mutual good will.

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Birmingham, Ala., Age-Herald
October 8, 1935

NEGRO JUROR IS FIRST IN RULE

Lewis Dorroh Qualifies For Duty In Panel At Courthouse

The first Negro to be qualified as a juror in Jefferson County as a result of the U. S. Supreme Court's decision in the Scottsboro case was duly sworn in Monday at the opening of the Fall term of Circuit Court, but he failed to get a place in the jury box.

The Negro is Lewis Dorroh, 3100 Twenty-Seventh Avenue, North, a warehouse employe of the Birmingham Stove & Range Company.

Sent out with prospective jurors on two civil cases, one in the court of Judge Richard V. Evans and the other in that of Judge J. Edgar Bowron, who organized the jury, he was sent back to the jury room as an extra man.

Monday afternoon he was called in a criminal case, that of T. M. George, on trial for assault with intent to murder before Judge Robert J. Wheeler, and took his place in the box to be questioned along with the other veniremen.

Assistant Solicitor Jim Long had the first strike and promptly struck the Negro.

George is charged with having shot A. S. Johnson, a fellow-employe of the Southeastern Express Company, during an argument about a chair. His first trial, held in April, resulted in a mistrial. He is defended by Roderick Beddow. The trial will continue Tuesday.

Monday was the first time jurors had been chosen under the new system, by which only one venire is called for Circuit Court instead of one for the criminal division and another for the civil division, as in the past.

Negro Juror Is Seated, Record in Mississippi

By The Associated Press.

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He was H. C. Armstrong, an elderly school teacher, one of twenty residents of Coahoma County selected to consider for the second time the cases of two St. Louis Negroes, Fedroe Pearson and Roosevelt Moon, charged with the robbery and slaying of James C. Parker, an aged merchant.

The defendants were indicted for murder by a previous grand jury composed solely of white men, but Judge William A. Alcorn quashed the indictments because Negroes had been discriminated against in the selection of grand and petit juries.

Negro Seated On Grand Jury In Mississippi

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TRIAL OF ABE SHUSHAN, HUEY LONG AID, BEGINS

Negro Dentist Is Member of Jury Trying Capitalist for Tax Evasion.

NEW ORLEANS, Oct. 8.—(AP)—Before a district court jury composed of 11 white businessmen and a negro dentist, the federal government began taking evidence today on its charge that Abraham L. Shushan, president of the New Orleans Levee Board and intimate political associate of the late Senator Huey P. Long, evaded payment of taxes on $448,247.80 of gross income allegedly earned during the years 1929-1932 inclusive.

Preliminary proceedings were dispensed rapidly under the guiding hand of Judge William H. Barrett, of Augusta, Ga., presiding in the absence of Judge Wayne G. Borah. A jury was selected and sworn within two hours after the trial opened and the government drew testimony from the first of its 150 witnesses before court recessed until 9:30 a. m. tomorrow.

Case Outlined.

It required more than an hour and a half for Colonel Amos W. W. Woodcock, former prohibition director and special assistant attorney-general who is in charge of the prosecution, to outline the government's case.

Colonel Woodcock explained to the jury the chief contentions upon which the government hopes to prove its charges, breaking down the defendant's alleged income and amount of taxes the government claims is owed by Shushan by years.

The government will seek to prove, Colonel Woodcock said, that Shushan's gross income for the period covered in the indictment amounted to $607,233.23, as against $158,985.43 shown in returns filed by the defendant. On the basis of the government's alleged gross income it is charged that Shushan owes $53,919.34.

Listed by the prosecutor as Shushan's chief sources of income were salary, wages, interest, sale of stocks and bonds, gambling profits and "other income."

Income Tax Returns.

Into the last classification fell the major amounts of income the government charges went to make up the difference between their tabulation of the defendant's gross earnings and the amounts he claimed as shown by his income tax returns.

A large portion of the alleged unexplained income, Colonel Woodcock said, the government would attempt to prove came from dealings with the Standard Dredging Company of New York, which held large contracts with the New Orleans Levee Board, which Shushan headed, and which operated through a New Orleans subsidiary known as the Orleans Dredging Company.

The prosecutor declared that the government will try to prove that Shushan's alleged dealings with the Standard Dredging Company started shortly after he became president of the New Orleans Levee Board and continued through 1933. He said he would "be able to trace numerous transaction" through which the defendant received large sums under an "agreement whereby the defendant got two cents per cubic yard" for dredging done under improvements undertaken by the levee board.

At the conclusion of the government's opening statement, Chief Defense Counsel Hugh M. Wilkinson told the jury that the defendant had elected to waive his privilege of making an opening statement and asked that the jurors "not be affected by this great array of figures that has been paraded before you."

Statesville, N. C. Daily
October 9, 1935

COMPLY WITH DECISION.

Reports are published of the drawing of negroes on juries in Mississippi, Alabama and other southern states, where negroes on juries have been unknown since reconstruction days. The departure is in the news class because it is so marked a change and as evidence that the decision of the Supreme court of the United States in the Alabama case is being complied with. This is also evidence of good sense, sound discretion. The high court did not hold that negroes must sit on juries that indict or try negroes. It simply held that if it appeared that the colored man was systematically excluded from jury service in the jurisdiction, if no member of the race was ever called for jury service, that was evidence of the denial of rights on account of color sufficient to invalidate the conviction of a colored man if the conviction was challenged. After awhile the summoning of negroes for jury service will become the usual and will not excite comment. They will not be summoned in large numbers but the race will be represented in jury service to an extent that will avoid the charge of exclusion on account of color.

Mobile, Ala., Press
October [illegible] 1935

NEGROES CHOSEN AS GRAND JURORS

Three Selected on Group to Consider New Scottsboro Case Indictments

DECATUR, Ala., Oct. 8.—(U.P.)—Two years ago an attorney for the defendants in the "Scottsboro" assault cases stood in the Morgan County courthouse here and asked that indictments against his clients be quashed because members of their race were systematically excluded from jury service.

Today three negroes were among the members of the grand jury which met in that courthouse. They were sworn in by Presiding Judge A. A. Griffith who instructed the jury to make an investigation of all criminal cases brought to its attention by the solicitor. He made no comment on the presence of negroes on the investigating body.

They had been placed there by the Morgan County Jury Commission when it refilled the county's jury box in keeping with the United States Supreme Court's latest decision in the Scottsboro case which bore out the contention of the defense counsel here two years ago.

GREENWOOD, MISS.
COMMONWEALTH

OCT 5 1935

NEGRO SEATED ON GRAND JURY AT CLARKSDALE

Coahoma Court Will Try St Louis Negroes For Robbery-Murder

CLARKSDALE, Miss. (AP) —A negro was seated today on a Mississippi county grand jury for the first time in memory of present day citizens.

He is H. C. Armstrong, elderly school teacher, one of twenty residents of Coahoma county selected to consider for the second time the cases of two St. Louis negroes, Fedroe Pearson and Roosevelt Moon, charged with the robbery-slaying of James C. Parker, an aged Coahoma county merchant.

The defendants were indicted for murder by a previous grand jury composed solely of white men but Judge William A. Alcorn quashed the indictments on motion of counsel for defense that the negroes had been denied their constitutional rights because negroes had been discriminated against in selection of grand and petit juries.

In the meantime Pearson and Moon were held in jail on tentative charges on instructions from the judge and a new grand jury of twenty men was organized with J. L. Stribling, of Sherard, as foreman and Armstrong the only negro member. There were five negroes on the list from which the new grand jury was selected.

The other members of the grand jury are representative citizens of Coahoma county.

Should another indictment be returned against the two negroes, court officials said they would be placed on trial next week.

The strictly white juries were contested under the recent ruling in the Scottsboro case.

Juries- 1935

LOUISVILLE, KY.
TIMES

APR 2 1935

NEW QUALIFICATIONS FOR JURORS ESTABLISHED

The ruling of the Supreme Court of the United States that discrimination is revealed in the Scottsboro cases, because Negroes were excluded from jury service in those cases, and because no Negro has been called for jury service in Jackson County within a generation, establishes a new qualification for jurors.

In a criminal case one man can hang the jury.

In any case in which race feeling is intense, or propaganda vigorous, a member of the defendant's race might find it difficult to continue to live among members of his race after joining members of another race in returning a death sentence.

It is conceivable that a Negro juror in one of the Scottsboro cases might, with perfectly clean conscience, hang the jury.

But the greatest moral austerity, the most profound conviction of the defendant's guilt, the deepest detestation of the crime and supreme courage would have to be combined in a Negro juror in such a case if he should join with white jurors in returning a death sentence.

Bristol, Va., Herald-Courier
April 7, 1935

Negroes And Jury Service.

We have been wondering how long it would take Alabama to realize that it must make Negroes eligible for jury service, and that Negroes accused of crime must be given trials the fairness of which is beyond question, if convictions of such defendants are to stand.

Two or three times the United States Supreme Court has intervened to upset convictions of defendants in the famous "Scottsboro case," in which several Negroes are accused of criminally assaulting two white women on a freight train between Chattanooga, Tennessee, and Scottsboro.

Following the recent decision of the Supreme Court setting aside the death sentences of two of these defendants, on the ground that Negroes are systematically excluded from jury rolls in Alabama, at State is moving to revise its jury regulations. Governor Bibb Graves has written to the Circuit Judges and Solicitors of the State that the Supreme Court's decision means that the names of Negroes must be placed in Alabama jury boxes.

There are other Southern States that exclude Negroes from jury service, or at least in which Negroes are never chosen for that service. These States must revise their jury regulations if they would avoid the experience Alabama has had in the Scottsboro case. Any Negro convicted of crime in a State where members of his race are excluded from jury rolls can have the verdict set aside by appealing to the United States Supreme Court.

ANNISTON, ALA.
STAR

APR 7 1935

Negroes on Juries

Governor Bibb Graves is to be commended for his prompt action in calling on the county authorities to begin immediately to revise their jury lists so as to include the names of negroes in accordance with the recent ruling of the Supreme Court of the United States in the notorious Scottsboro case. As he stated, it is not a question as to whether we like or dislike to take such an action but a question as to whether we are to obey the supreme law of the land, and since the people of this state believe firmly in the established government there can be no doubt as to our following the Governor's suggestion.

Press dispatches indicate that this latest ruling by the Supreme Court will have an effect on every other Southern state where negroes have been barred from jury service and there is no disposition anywhere to question the order of the court. In this state jury service by negroes will be no new thing, as they were considered eligible for such service until the Constitution of 1901 was ratified and even now negroes serve on the federal juries in this state. There is no good reason why the better class of citizens of the colored race should not thus be recognized and we may trust to the lawyers to see to it that the ends of justice are protected in spite of the order from Washington.

NEW YORK JOURNAL

APR 10 1935

Virginia Jury Rolls Opened to Negroes

NORFOLK, Va., April 10.—Following the recent Supreme Court ruling on the "Scottsboro Negroes" case, judges of both Corporation Courts today had ordered that the names of 40 Negroes be placed on the jury rolls for trial of criminal cases.

Negroes have been barred from injury duty in State courts here since Reconstruction days.

GREENVILLE, S. C.
NEWS

APR 3 1935

NEGROES ON JURIES?

A court decision of far-reaching importance to southern states is that of the United States Supreme Court in ordering a new trial for two negroes sentenced to death on the charge of rape at Scottsboro, Alabama.

In this opinion, delivered by Chief Justice Hughes, it has been held, according to press reports, that the constitutional rights of the defendants were violated because negroes were excluded from jury service at their trials.

Now it is a fact that negroes are seldom, if ever, drawn on juries in many of the southern states and on the face of the press dispatch it would seem that negroes could not properly be convicted for any crime before a jury where this practice prevails. Circuit Solicitor Bailey of Guntersville, Alabama, asserts that the decision is a "body blow" to southern state courts. "The decision may force jury commissioners all over the South to put negroes on their jury rolls," he asserts. However, one does not recall that negroes are usually drawn on federal court juries in the southern states, and the Court's decision would, it would seem apply alike to the federal tribunals and cases which they dispose of.

But before jumping to conclusions as to the effect of this opinion with regard to southern court procedure, it would perhaps be wiser to await complete study of the full text of the opinion in this case. It may be that it is based upon some instance of actual discrimination against negroes, as to jury duty, on racial grounds. Under the Constitution there cannot be discrimination in the matter of public service on racial grounds; however, that does not necessarily mean, one would think, that it is mandatory that negroes be placed on juries or on jury rolls. Certain qualifications are provided for jury duty. If a jury commission omits to place any negroes on the rolls in pursuance of its duty to draw a list of citizens qualified for the service, that can hardly be regarded as definite evidence of discrimination on the ground of race. There are, perhaps, many white citizens eligible for service who are never drawn. If there are negro citizens who can be shown to be qualified for jury service, the fact that they simply have not been drawn can hardly stand as definite evidence that racial discrimination has been practiced.

If the Court is holding that a negro cannot be fairly tried in the courts of the country unless there are some negroes on the jury this would, indeed, be a new principle which might have far-reaching ramifications. However, a careful study of the text of the opinion is necessary before definite conclusions can be reached.

DALLAS, TEX.
JOURNAL

APR 6 1935

Colored Jurors?

THE SUPREME COURT of the United States says in effect that a conviction of a Negro defendant isn't worth the paper the verdict is written on if it is obtained in a county where Negroes are never permitted to serve on the jury. Alabama is revising its law so as to contemplate the service of colored jurors. Texas may not have to revise its laws. But it will have to change its custom as to Negro jurors.

Negroes can do a great deal to make viable this innovation in the South—for we might as well be honest and admit that it will be an innovation if we countenance Negro jury service—by suitable humility in the face of the white man's effort to treat a minority race as civilized human beings. That it will be an effort for most white men is obvious—a distasteful effort for many. The Negro stands two generations from slavery and five or six from the jungle. That is in the back of the white man's mind and the reasonable Negro will make allowance for its being there—just as the reasonable white man will make allowance for the truly remarkable progress shown by the black man under the handicaps which have been his.

If Negroes drawn for jury service are seemly in their behavior, we may go this one step nearer to equality before the law. But if they yield to a racial childlikeness and tend

o be "uppity," the experiment will fail, though all the courts in christendom command its success.

Charlotte, N. C., News
April 6, 1935

Don't Expect Many Negroes In Jury Seats

Appears Little Likelihood Of Negroes Taking Widespread Advantage Of Right To Sit In Box.

Atlanta, April 6.—(AP) — Practical effects of the United States supreme court decision in the Scottsboro case on the south's jury system were being considered in official circles today but there appeared little likelihood of negroes taking widespread advantage of their long-held legal right to sit in the jury box.

Since reconstruction days negroes have had the chance to serve on southern juries, there being no legal barriers erected against them. But they generally have been reluctant to serve. And in many cases negroes were not able to qualify as jurors.

Commenting on the action of Governor Bibb Graves of Alabama in calling for inclusion of negroes' names in jury lists, Edwin R. McNeill, chief justice of the Oklahoma supreme court, said he had never yet found a negro who wanted to serve.

McNeil said it was not uncommon to get a negro's name in a jury. He added that if one were on a jury and wanted off, each side has peremptory challenges without giving any reasons.

A negro juror could not be compelled to serve if he did not want to, the Oklahoman said, and added "I wouldn't want to sit in a case where he felt he was compelled to."

Served On Georgia Juries

Negroes have served on Georgia juries. In one of the most celebrated cases in Richmond (Augusta) county, the trial of Mrs. Lillian McKie for the murder of her husband several years ago, two negroes were on the jury which acquitted her after an earlier conviction had been set aside.

Another Richmond county case was recalled in which a negro juror helped convict a member of his own race on a criminal attack charge.

Assistant Attorney-General Edwin G. Gibson of Virginia said the law of his state regarding selection of juries "does not discriminate one particle" against negroes.

He said if discriminations exist it is in the administration of the law and not the statute itself. Since the famous Crawford case names of a number of negroes have been selected by jury commissioners.

Lawyers in Texas gave the opinion the Scottsboro decision will not affect procedure there since negroes already are summoned for jury duty. However, the negroes rarely if ever serve, being excused by the court or by agreement of attorneys.

In the Scottsboro decision, the United States supreme court held that negroes were "systematically" excluded from jury rolls in Jackson and Morgan counties, infringing on the rights of the accused negroes.

Governor Graves said this meant that names of negroes must be placed in Alabama jury boxes.

NEW YORK SUN

APR 10 1935

Negr[illegible] on Juries Here.

To the Editor of The Sun—Sir: I note the observation in a recent Sun of Peregrine Falcon that in his forty years of service on juries, from the coroner's to the grand jury, in New York county, he has yet to see a Negro on a jury or in a panel. I have not the years of experience of Mr. Falcon, but in two brief and casual contacts with the courts last year I noted several Negro jurors on the Municipal Court panel. If Mr. Falcon will visit the Municipal Court building at 30 West Thirty-fifth street and watch the selection of Municipal Court juries, I am certain he will see a fair sprinkling of Negroes in the panel.

This does not prove by any means that there is not some discrimination against Negro jurors in New York county. I happen to know personally, however, one colored man who declined jury service for business reasons. Doubtless, there are others who, for one reason or another, are not seen in the jury boxes. New York county is a large county and it is impossible to keep tab on the activities of all the hundreds of thousands of Negroes in it. The Supreme Court decision in the Scottsboro case should have the effect of correcting discrimination against Negroes as to jury service, not only in Alabama but elsewhere.

Roy Wilkins.

New York, April 9.

GREENVILLE, S. C
NEWS

APR 3 1935

Barring Of Negro From Jury Costs Lawyer His Case

COLUMBIA, Apr. 2.—(AP)—Action of the United States Supreme court relative to the exclusion of negroes from juries today brought from A. S. Salley, state historian, an instance in which it cost a lawyer his case.

Salley said a young lawyer was trying a case in Berkeley county about 40 years ago when an aged negro was drawn for the jury.

"The colored man will step down, please," the lawyer said crisply, and proceeded to trial.

After losing the case, the old negro approached him.

"Boss," he said, "I wuz a slave for your family all my life. Ef you had a left me on dat jury, I'd have sot there til they rotted ef they didn't find for you."

Birmingham, Ala., Age-Herald
April 12, 1935

Negro Jurymen

Gov. Bibb Graves, of Alabama, in his prompt response to the decision of the Supreme Court of the United States requiring acceptance of Negroes as qualified jurymen has performed an important public service. His unequivocal acceptance of the ruling as part of the "supreme law of America," to be upheld "in letter and spirit," is calculated to discourage any disposition that may exist to nullify the ruling by evasion or subterfuge.

In no state in the union are Negroes directly denied by law the right of jury service. In most, if not all, of the Southern states they occasionally serve, in some counties, in the state as well as in the federal courts. The exceptions have been violations of the constitutional right by prejudiced officials rather than by the direct action of prejudiced Legislatures or courts. The requirement now emphasized is for an extension in practice of a right generally recognized in principle. While some alarm is expressed in the South lest the policy dictated by the Supreme Court may weaken the states' defenses against a particular class of atrocious crimes, it is gratifying to know that the response in official and other influential circles has been generally reassuring.

A test of the new policy, which it may be assumed will be inaugurated, will come when it is put into practice. It is, of course, important that Negro jurymen, as well as white jurymen, shall be qualified by intelligence and character for the important service. It will be recalled that, during the last trial of the Scottsboro defendants, one explanation offered for the absence of Negroes from the jury list was that there were none in the jurisdiction who were qualified. The claim to the contrary was accepted by the United States Supreme Court, and it is apparent that the application of the law in spirit and in letter will present temptation to unfair discrimination.

And the mere presence of the names of Negroes in jury lists is not a guaranty in itself that any of them will be permitted to serve. There will remain the ordeal of examination in court after they have been called. The question also arises of how such of the Negroes as are permitted to serve will fare in the juryroom. Will they be overawed by the white jurors on the panel, and if the Negroes should take a stand resulting in a hung jury, what would be the attitude toward them of a prejudiced community? To consider such questions may be to borrow trouble that will not be realized, but they are important as relating to the reasonableness and good faith of the communities concerned.

The prospective advance in the practical recognition of the equality of the races before the law should be an encouragement to the growing number of Negroes who are well qualified to perform their full duty as citizens, and to others who would become so with a fair chance.—Springfield Republican.

Lexington, Tenn. Progress
April 12, 1935

Shall Negroes Serve on Southern Juries.

The recommendation or rather order of Governor Bibb Graves of Alansmitttte Dett, ts55s xkbH goef: mabama made in last weekend and transmitted to every Judge in the State, that hearafter that negroes shall serve on Juries, follows a declaration of the Supreme Court of that State, that two negroes tried for attacking a whie girl, did not have a fair trial because no member of the Jury whch convicted them was of their race, was a suggestion in the South—and especially from a man who has been a member of the Catholic Church—a distinction which had it in, "alike for negroes," Jews and Roman Catholics. The statement made over radio by a disseminator of news and last Saturday in the press did not state whether Gov. Graves was a member of the old Klan which was organized to free the South from Negro and carpetbag domination, or the latter Klan which lost sight of almost everything except opposition to Catholics and the Catholic Church—a disinction whch should have been made, for the old Klan was an organization held dear in the hearts of all true Southerners.

We are inclined to believe that Governor Graves or even the United States will find getting negroes on Alabama juries—just as would be the case in Tennessee and in no part of Tennessee would there be stronger objection than in Republican East Tennessee and in Republican Henderson county. Henderson county has been Republican 50 years, in fact ever since Chester county was formed—and there has never yet been a negro on a jury—and but few juries have ever been demanded in Chancery Court.

Under the circumstances and under his new idea, Gov. Graves ought to pardon out of the Alabama penitentiary every negro convicted by juries who had no negroes serving on them.

NORFOLK, VA.
LEDGER DISPATCH

APR 24 1935

NEGRO EDITOR ON GRAND JURY

P. B. Young Among Those Selected to Serve in Corporation Court

COLORED LAWYER'S CASE COMING UP

The first Negro to serve as a member of a Corporation Court grand jury in Norfolk since reconstruction days was summoned for duty as a member of the May grand jury by Judge William H. Sargeant today.

He is P. B. Young, editor and publisher of the Journal and Guide, local Negro newspaper, and an outstanding member of his race, both locally and nationally.

The grand jury, summoned to report on Monday, May 6, in addition to Young, is composed of W. R. Howard, L. T. Doble, Harry B. Veasey and Frank A. Evans.

One of the presentments on which they will pass judgment is that of R. G. L. Paige, Negro attorney, charged with the grand larceny of approximately $1,500 belonging to the estate of the late Alexander Rowe, Negro, for whom he was serving as counsel and administrator.

Indicted by an all-white grand jury in December, Paige, who the evidence reveals, has made full restitution of all funds handled by him, has been tried before two all-white petit juries. In each instance the jury has been unable to agree.

Paige was scheduled to have been tried again this month but the case was continued on motion of defense counsel, who challenged the legality of his indictment under the recent ruling by the United States Supreme Court holding indictments of Negroes illegal in those sections where it had been the custom to bar members of their race from jury duty.

In addition to representation on the grand jury, Negroes are now being called faor petit jury duty in Norfolk.

At the order of Judge Sargeant and Judge James U. Goode, Jury Commissioners Zenas Gay and Norman Hart recently placed the names of 42 Negroes on the jury rolls of the two courts.

Thus far no Negroes have been called for jury duty in either Circuit Court or the Court of Law and Chancery, local courts of record for trial of civil and chancery suits.

Juries - 1935

Chattanooga, Tenn.
TIMES
APR 23 1935

Serving on First Federal Jury, Negro Finds It 'Educational'

Charles A. Wilkerson, 54-year-old colored undertaker from South Pittsburg, became the first Negro to occupy a place on the federal grand jury in Chattanooga in a considerable number of years when Judge George Taylor impaneled his grand jury yesterday morning.

The Negro said his presence on the jury was "as big a surprise" to him as any one else. After his first day in the jury room he reported that the work was "interesting." "In fact," he said, "it's right educational."

The last time a Negro served on the federal grand jury here was when Judge Xen Hicks was on the bench, Deputy Clerk George E. Gresham recalled.

The new federal grand jury, charged by Judge Taylor at the opening of the current term of court at 9 o'clock yesterday morning, will finish its investigations and make its report this afternoon. About seventy-five cases are being considered by the body.

In charging the jury, Judge Taylor dwelled mainly on violations of the internal revenue laws, which in this state keep the federal law enforcers just as busy as the prohibition laws formerly did. He also gave instructions covering violations of the automobile theft act, narcotics act, and banking laws, as well as counterfeiting, use of the mails to defraud, forgery of government checks and other frequently violated federal statutes.

Judge Taylor warned the grand jury not to be swayed by personal feeling. "You are not concerned with whose ox has been gored," he said. "The only thing for you to consider is the probable guilt in the case before you. The grand jury has a double function—first, to indict those believed guilty, and, second, to protect those wrongfully arrested or accused."

A. C. Brittain, of Hamilton county, was named foreman of the grand jury. Other jurors serving are:

W. F. Ashburn, R. S. Barger, H. C. Campbell, W. P. Chattin, John P. Grant, E. P. Hatcher, H. Grady Jacoway, Horace S. Killian, John C. Knoedler, Frank Krichbaum, Sam Millard, J. R. Milligan, Sam McCulley, J. P. O'Neal, N. Q. Purser, R. D. Robinson, Peach Taylor, Tom Walker, W. A. Watkins, Keith Webb, J. F. Whitaker and Wilkerson.

GREENWOOD, S. C.
INDEX JOURNAL
APR 25 1935

NEGROES ON JURY LISTS

Circuit Judge Hayne F. Rice, according to The Spartanburg Herald warned the jury commissioners of Spartanburg county this week that they must put the names of negro citizens "on the jury lists" this Fall and said to the grand and petit jurors that they should not be surprised to find colored individuals drawn as jurors in Spartanburg county. He referred to the decision of the Supreme Court of the United States in the Scottsboro, Alabama, cases in which this court ordered a new trial to two of the convicted colored boys for the reason that it appeared to the court that there had been a persistent discrimination in that county against Negroes entitled to serve as jurors, as a reason why such action should be taken.

What Judge Rice means, as we attempted to show here some weeks ago, is that the names of registered voters, "qualified electors" should be put on the list of persons whose names go in the jury box to be drawn out by the three officials designated by law to make this drawing.

Only persons who are "qualified electors," and this applies to both white and colored persons, can serve as jurors. If ten colored registered voters have their names put in the jury box with a thousand whites, both qualified electors, the chances are remote that a colored name will be drawn out of the box. And when so drawn he may not be called upon to serve. This cannot be forced.

What the Supreme Court meant was that the total absence of the names of colored qualified electors or whatever is required to make a citizen eligible for jury duty, was something which that court had to take note of, and it was in the nature of a warning.

Governor Bibb Graves, of Alabama, took a sane and sensible view of the decision and in ordering all jury commissioners in that State to include the names of colored persons on the jury lists said: "The decision of the Supreme Court is the law of the land and Alabama means to abide by the law."

In that State as in most other States in the South the list of colored persons who are legally entitled to serve as jurors is small

Negroes Serving On Virginia Jury

Virginia, traditional stronghold of the white man and once the heart of the Confederacy, is permitting colored men to sit in its jury boxes.

Spurred by the recent decision of the supreme court in the Scottsboro case, three localities called negroes to serve during the past week.

Last week in Norfolk 42 negroes were added to the list of 2,400 eligible for jury duties in the two corporation courts of the port city.

Although negroes had served previously in every county in the 15 judicial districts with the exception of Spotsylvania, it was not until the grand jury investigation of the recent brutal slaying of Mr. and Mrs. John T. Coleman by two colored men that negroes were included in the Spotsylvania panel last Tuesday.

The colored men have been included in the jury lists of Nansemond county and Suffolk circuit courts for more than a year in accordance with a suggestion from Judge James L. McLemore, who presided over the trial of George Crawford on charges of slaying Mrs Agnes Boeing Isley, Virginia sportswoman, and her maid.

A negro automobile mechanic last week sat as a member of the April grand jury in Rockingham circuit court, despite a threatening letter mailed from Waynesboro and signed "K. K. K." The names of 10 negroes were placed on the eligible list by Augustain county jury commissioners Friday.

In Richmond, most of the names of members of the colored race have been stricken from the panels by attorneys. Lynchburg corporations courts places a negro on the grand jury each month. In the past few years, however, no negro has been called in Lynchburg for petit jury service.

NORFOLK, VA.
LEDGER DISPATCH
MAY 1 1935

Negro's Name Appears On County Jury List

Portsmouth Bureau.

The name of a Negro appears in the list of 24 men to serve on the trial juries for the May mixed term of civil and criminal term of the Norfolk county Circuit Court which will convene next Monday. His name is Wayman Williams, of Deep Creek district. This is the first time in approximately 50 years that the venire facias of a county circuit court jury has contained the name of a Negro.

The names of 10 Negroes were added to the jury list of the county court last month in conformity with the United States Supreme Court decision in the Scotsboro case. The jurors for the new term will report May 8 for duty. It is also expected that the names of Negroes will appear in the venire facias of the Portsmouth Court of Hustings for the May term, as a list of Negroes has been submitted to Judge K. A Bain to be added to the jury list.

NEGRO JURORS.

(Durham Herald)

Counsel for the negro in the murder case now before Superior Court in Guilford county behaved in the most natural manner when he moved to quash the indictment on the grounds that North Carolina excludes negroes from its juries, grand and trial juries.

For all practical purposes negroes are excluded from juries in our State courts. The United States Supreme Court, the sayer of the final word in law, has said negroes cannot be legally excluded from jury lists. It made that ruling in the famous Scottsboro case and it matters not that involved in that case were many side issues.

Concerning the guilt of the defendant in the Guilford case we know not. That is what the jury is supposed to decide and the final authority says a jury selected from a list that automatically eliminates a certain group of citizens by reason of color is not a competent jury to decide the issue.

What needs to be done to our jury selecting machinery in order to make it conform to the decree of the Supreme Court does not appear on the surface. Fact is it may be that all that is necessary is proper use of machinery now in existence. The powers that be ought to be able to settle that question without difficulty and they ought to do so and act accordingly.

Notion here is that those pressing for negroes on juries or on jury lists are fixing to hurt more than they help the cause of race co-operation and unbiased courtroom treatment for members of the minority race. But be that as it may the issue has been made and raised. It will have to be dealt with and there is no point in being timid about the matter.

Greensboro, Ga., Herald-Journal
May 3, 1935

We are undergoing strange times Negroes are to be placed on juries in the South. Many white colleges, in the South, are hobnobbing with the blacks, through the college Y. M. C. A's and Y. W. C. A's almost to a social equality basis. Some southern white women are for the anti-lynching bill.

DISTRICT OF COLUMBIA HAS WELL MIXED JURY IN 1869

The jury that tried Millie Gaines in 1869 for the murder of a white man, and freed her on an insanity plea. It was composed of six colored and six white men. This was the first murder trial in the District in which a mixed jury sat.

Reading from left to right seated are: 2. David Fisher; 4. the Rev. James D. Reed; and 6. Leonard C. Bailey.

Standing from left to right: 2. Charles Humphries; 4. John A. Gray; 6. Herbert Harris.

(Capital News Service)

Macon, Ga., News
May 29, 1935

NEGROES FOR JURY DUTY

From the Cairo Messenger.

The recent decision of the U. S. Supreme Court setting aside a verdict of an Alabama jury, involving Negroes, because Negroes were not permitted to serve on juries in that state, continues to stir up comment of all kinds. Immediately after the decision was announced, Governor Bibb Graves, of Alabama, in what apepared to be a hastily-prepared decision and statement, accepted the reversal by the high court and ordered that officials immediately place the names of Negroes in the jury boxes.

If Alabama's law is similar to that in this state, the order of Governor Graves was both unnecessary and unfortunate. The law in Georgia very properly leaves the question of putting names of Negroes in the jury boxes entirely with the jury commissioners in each county. The Georgia law simply says that "the jury commissioners shall select from the books of the tax receiver (the tax digest), upright and intelligent men to serve as jurors." Only a few Georgia counties have Negroes eligible for jury service, although in Chatham (Savannah) and Richmond (Augusta) counties, Negroes have been eligible for service on petit juries for years.

The Messenger understands that the jury commissioners in this county, and in most Georgia counties, at least, have followed the law, in spirit as well as in letter, in that no particular distinction has been made in the races, when unrightness and intelligence were being considered. It would not seem, therefore, that Alabama question should ever arise in this state.

Lincolnton, N. C. News
June 12, 1935

Orders Names Of Negroes In Jury Lists In Union

Monroe, June 7.—Conforming to the ruling of the supreme court regarding negroes serving on juries, the county commissioners have ordered the clerk to include the names of all qualified negroes on the list now being prepared and from which the jurors will be drawn. There are several negroes in the county who are qualified and their names will be included in the list.

MAY 3 1935

GREENSBORO, N. C. RECORD

It is not surprising that counsel for the negro doctor, defendant in a murder case pending in Guilford Superior court, moved to quash indictment on the grounds that North Carolina excludes negroes from juries, both grand and trial. It is common knowledge that negroes are, to all practical intents and purposes, systematically excluded from juries in the state courts.

In the famous, as well as notorious, Scottsboro case (Alabama) the United States Supreme court, the nation's highest tribunal whose decision must be final in matters of law, has ruled negroes cannot legally be excluded from jury lists just because they are negroes. That decision set a precedent that has, and obviously will continue to have, drastic effects in the matter of selecting juries.

The Record is in agreement with the Durham Herald when it, in comment on the Guilford case, says there is a strong possibility that those pressing for negroes on juries or on jury lists may hurt rather than help race co-operation and unbiased courtroom treatment for members of the minority race. But that is beside the mark. The point is the Supreme court says there shall be no automatic, or systematic exclusion of negroes from jury lists—and that's that.

It now remains for the state of North Carolina to adjust or to revise its jury selecting machinery so that it may operate in strict compliance with the dictate of the Supreme court.

MAY 3 1935

NEGRO JURORS ARE CONSIDERED SAVANNAH, GA. PRESS

MUCH INTEREST IN WHAT GLYNN COUNTY WILL DO

BRUNSWICK, May 3—Following the recent dictum of the United States Supreme Court on the matter of the elimination of negroes from jury boxes in the South, and the furore that it caused in various places, particularly in Alabama, considerable interest has been manifested here as to what Glynn county would do. There have been no names of negroes in Glynn county jury boxes for several decades. Two years ago, when the jury commissioners last met to revise the boxes, a delegation of negro citizens asked for the privilege of appearing before the commissioners to discuss the situation. Their request was granted, but because of some conflict in time, the commissioners had adjourned when the delegation arrived and nothing was done about it.

Inquiry directed to members of the jury commission, as to what action, if any, they will take since the declaration of the Supreme Court that convictions made in courts where the names of negroes were systematically excluded from jury boxes, were null and void, indicates that the jury commissioners do not know what to do. Some of them claim their terms of office have expired, and it is up to the next commission appointed by the judge of the Superior Court, furthermore they will not meet again until so ordered by the judge.

Judge Gordon Knox, recently appointed judge of the Superior Court here, states he has no authority to order the jury commissioners to put any particular names in the boxes, his sole duty being to name the commissioners and to call meetings for the purpose of revising the lists from time to time. How the revision is made is up to the commissioners.

In the meantime, opinions expressed by lawyers here are to the effect that the well-known fact that there are no names of negroes in the Glynn county boxes puts the proceedings of the courts on a somewhat insecure basis.

Juries - 1935

Carrollton, Ga., Times
October 17, 1935

Negro on Grand Jury

Clarksdale, Miss.—For the first time in the memory of present day citizens, a negro is a member of the county grand jury.

Florence, S. C., News
October 16, 1935

NEGRO JURORS NEEDED?

The Greensboro Daily News in more or less sarcastic vein declares that more Negro jurors are needed in the North Carolina courts.

Deploring the verdict and sentence in a recent notorious North Carolina case.

The News says:

"The Daily News is far from suggesting that any considerable number of miscarriages of justice have resulted from the failure of North Carolina authorities in making up their jury lists to include a larger number of negro citizens; but we think it is high time, in certain sorts of trials at least, to insist that the negroes share some of our responsibility.

"At Durham on Saturday John Poe, a negro butler, was convicted of murder in the second degree by a white jury and a white judge—one of the ablest and most meticulous on the bench—sentenced him to 20 to 30 years.

"That seems enough, doesn't it, for second-degree murder? Well,, we have always thought so, and generally speaking we lean toward the second degree of murder rather than the first. But John either threw gasoline on a child of fifteen—a girl who had rejected his advances—and burned her to death with her sister as they lay sleeping in their own home, or he was elsewhere at the time and is as innocent, to all intents and purposes of the law, as you and we are.

"That we are driving at its just this: The life of a negro, male or female as God He created them. is not held in as high regard hereabouts as it should be. Think you that a white man burning up his girl friend could have escaped with John Poe's 20 to 30 years? All of us know better.

"We are by no means certain that if the matter were left to our sole decision we would not abolish capital punishment; but we've got it and it is the penalty exacted for first-degree murder. Could there be any more deliberate murder than setting fire to one's victim?

"The whole business is a horror, but had we had any connection with the court which tried John Poe, we'd have slept better if there had been three or four members of John's own race on the jury which declined to call for his death sentence."

Orange, Va., Review
October 3, 1935

FIRST NEGRO ON ORANGE COUNTY JURY

To Andrew Maples, well and favorably known colored war veteran and secretary of the Orange Colored Horse Show Association, of Orange, goes the distinction of being the first Negro to sit on an Orange jury, certainly so far as there is any record at the present time.

Andrew was drawn last week on a special grand jury of the Orange circuit court. The jury was composed of six men. H. C. Clark, Orange, was foreman. Other members were H. B. Craig, R. D. Browning, T. A. James and C. W. Barnes. Three indictments were reported as follows:

Frank Blankenship, felony, maiming. Fugitive.

Shirley Haney, statuary charge. Case set for trial Oct. 10.

Howard Berry, felony. Maiming. The Berry case was heard Monday by a jury of 12 of which James E. Young was foreman. A verdict of guilty of unlawful wounding was returned. Defendant was sentenced to six months months in jail and a fine of $50.

The case grew out of an affray in Orange August 26 to which Chief of Police R. H. Wells responded. Mr. Wells deputized Mr. Knighton to assist him. Mr. Knighton was stabbed with a knife in the hands of Berry.

Albany-Decatur, Ala. Daily
October 21, 1935

NEGRO JURORS ARE 'STRUCK' TODAY

Three Qualified For Duty In Circuit Court

Three negroes qualified for jury in Morgan circuit court today were "struck" when the first trial was called this afternoon. The state struck one and the defense two. The case docketed was the trial of a man for possessing a still.

Those qualified today were Aaron Orr, laborer, employed by Alabama Water Service Company; Theo Harris, 118 Maple street, employe of a cleaning and pressing shop. and John Watkins, preacher, of 616 W. Church street.

The negroes' names were called when the venire for the week was being selected. They are still subject to call for duty during the week. A number of capital cases are scheduled for trial.

Birmingham, Ala. News
October 22, 1935

NEGRO JURORS STRUCK

Three Called For Duty Excused On First Case

DECATUR, Ala.—Three Negroes who were called for jury duty in Morgan Circuit Court Monday were struck when the first case was called for trial. The case, opening the two weeks' criminal docket, was for possessing a still. The state struck one of the Negroes and the defense two.

Those summoned for duty were Aaron Orr, laborer, employed by Alabama Water Service Company; Theo Harris, employe of a cleaning and pressing parlor and John Watkins, a minister.

The Negroes are still subject to call for jury duty during the week in which a number of murder cases are scheduled for trial.

Statesboro, Ga., Times and News
October 17, 1935

NEGROES APPEAR OFTEN AS JURORS

"SCOTTSBORO CASE" DECISION ENDS EXCLUSION OF RACE FROM COURT SERVICE.

Atlanta, Oct. 13.—Negroes are appearing in increasing numbers on juries in the South, an unusual service for members of the race before the United States supreme court's decision in the "Scottsboro case."

The decision which sent the widely publicized case back to the Alabama courts on grounds of "systematic exclusion of negroes from jury rolls," was said by legal authorities today to be behind the greater attention now given them in making up jury lists.

For the first time in the memory of court officials, the names of three negroes were drawn last week for grand jury duty in Morgan county, Alabama, where two of the nine negro defendants in the Scottsboro case, accused of attacking a white woman, were convicted and sentenced to death.

Negroes have sat on federal juries and in some southern states it has been a common occurrence for them to be called for juries in state courts, but in the latter instances they invariably were "excused."

A negro dentist is on the jury in the trial of Abe Shushan, lieutenant of the late Senator Huey P. Long, on tax evasion charges in federal court at New Orleans.

"Negroes always have been on panels as far as I know," Federal District Attorney Rene A. Viosca said. "Three or four of them are on every panel drawn in years." Few, however, are on the jury.

Acting in view of the Scottsboro decision, Judge W. A. Alcorn Jr., at Clarksdale, Miss., recently quashed the first indictment against a negro charged with killing a white man. Later a negro school teacher was on the grand jury which re-indicted the accused man.

This case and another in which a negro on a jury at Gretna, La., helped convict a defendant accused of attacking a white woman, are the only occasions on which negroes are known to have been on juries in present day Louisiana and Mississippi, court officials said.

A federal jury in South Carolina several weeks ago included a negro; their appearance in state courts has been rare. A law passed by the 1935 North Carolina legislature increasing the number of challenges was described as a means of keeping negroes off juries.

Florida court authorities said they had no knowledge of negroes having served on juries in that state.

Since the Scottsboro decision negroes have been called frequently for grand jury duty in circuit (county) courts of Virginia, and generally one or two are on each grand jury. They have not been called in western and northwestern Virginia counties, the latter in the mountains.

During a federal court session two negroes were ready to sit on the jury at Jackson, Tenn., recently but the court had to be reorganized and jurors were dismissed before they served. Last week a negro was chosen as an "extra" to fill in on the jury if the occasion arose.

For the last 25 years negroes occasionally have been on juries at Knoxville, Tenn. Lately two members of the race were on the grand jury and one was on a trial jury in criminal court there.

The Fulton (Atlanta) county grand jury here seated a negro this fall, the first time members of the judiciary could recall.

Bristol, Va., Herald-Courier
October 16, 1935

Negroes On Juries.

If a Negro is convicted of a crime in a State in which members of his race are not permitted to serve on juries, and appeals to the United States Supreme Court, the case will be remanded for a new trial. That was made clear in the Supreme Court's decision in the famous "Scottsboro case" from Alabama in which Negroes accused of attacking white women were convicted and sentenced to death.

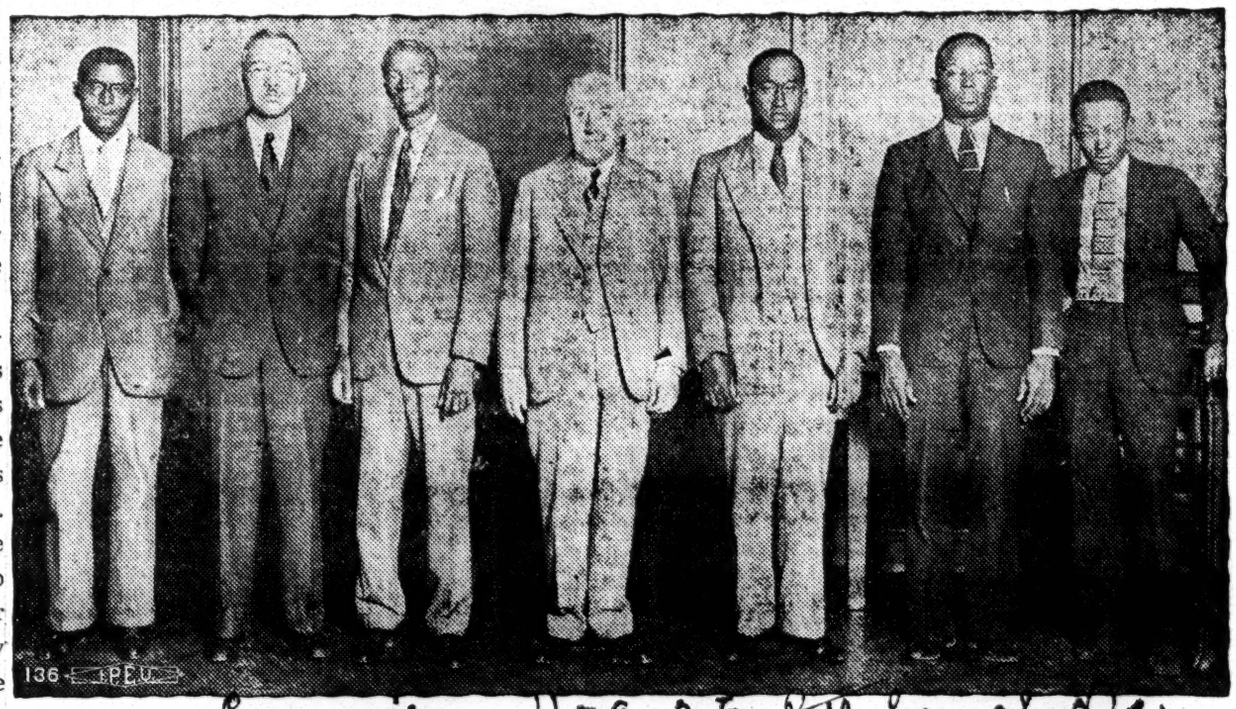
The Southern States are gradually accommodating themselves to this situation. Negroes are appearing in increasing numbers on juries in cases in which members of their race are defendants. Negroes recently served on juries in Mississippi and Louisiana for the first time. In Mississippi Judge Alcorn of Clarksdale quashed the first indictment against a Negro charged with killing a white man, and later the defendant was reindicted by a grand jury which included a Negro school teacher. In the Louisiana case a Negro on a jury helped convict a colored man accused of attacking a white woman. And now for the first time the names of Negroes have been drawn for grand jury duty in Morgan County, Alabama, where the Scottsboro defendants are to be retried.

There is a general belief that Negro defendants prefer to be tried by white juries exclusively. That may be true, although white juries do not allow Negroes accused of crime to escape if the evidence is against them. Mississippi has learned that a Negro may be indicted for a capital crime by a mixed grand jury and Louisiana has learned that a Negro may be convicted of a capital crime by a mixed jury. There will be countrywide interest in noting further proceedings in the Scottsboro case with a Negro on the grand jury or on the trial jury.

Negro Serves On Jury

The results of the supreme court decision in the Scottsboro case regarding Negroes sitting in juries have reached Memphis where, on the day of this writing, a 71-year-old Negro occupied a seat in the box with 11 white jurors in federal court. Lunch created a problem, but Judge Martin was equal to the occasion. "Jim," he said, addressing the well-known Negro, "you go over and eat at the Tennessee club and the rest of the jurors will go elsewhere." The Tennessee club is where Mr. Banks ("Jim") works and so, accompanied by a court bailiff, he ate his usual lunch. So we now have Negroes on juries and no harm seems likely.

HERE'S AN ALL-COLORED CORONER'S JURY



Meet St. Louis Coroner Frank P. Furlong's sixth all-colored jury. They are, left to right: Jeff Echols, 2624 Lawton avenue; John F. Commodore, 4248 West Belle place; Walthall Moore, 2312 Market street; Coroner Frank P. Furlong; L. H. Bryant, 4222a W. Cote Brilliante avenue; Charles Zomphier, 2507 N. Taylor avenue; John Cunningham, 4366 W. Belle place.

Negro Steward to Serve On Superior Court Jury

Curtis Cooper First Member of Race Drawn for Service Here in 50 Years

Curtis Cooper, chief steward at the Hotel Lanier here for 22 years, is the first Twentieth century Negro to be called for service on a Bibb superior court jury.

Cooper is near the top of a list of Bibb citizens summoned to appear Monday for the trial of civil and criminal business here.

One other Negro, C. E. Jackson, Ocmulgee street drayman, is included in the list.

Cooper and Jackson are not the first Negroes ever to be called here, old timers recall, but they are the first in nearly 50 years.

First Since 1885

Prior to 1885 outstanding Negroes were sometimes, but not often, called for county jury service, older citizens recall.

One of these was Jeff Long, tailor by trade and former member of the legislature from Bibb county.

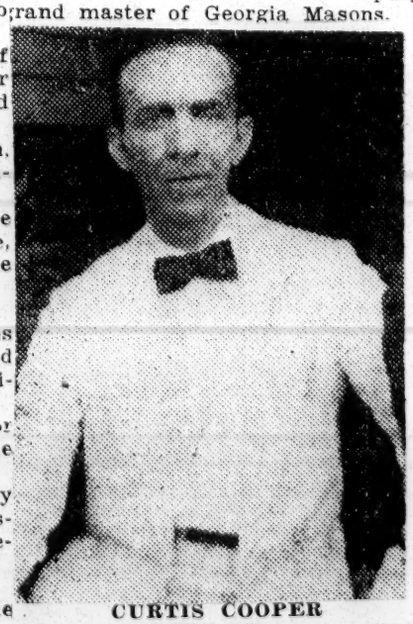
In a recent revision of the county jury list, members of the commission placed the names of several Negroes in the box.

Cooper Well Known

Cooper has hundreds of white friends who have known him through his work in the local hotel. He has friends, too, throughout Georgia. The Hotel Lanier long has been a rendezvous for politicians in this state.

The new juror is an alumnus of Paine college in Augusta, and is outstanding in Negro religious, political and fraternal realms.

He is a trustee of Holsey Temple C. M. E. church, a member of the relief board and a district deputy grand master of Georgia Masons.



CURTIS COOPER

Juries - 1935.

Raleigh, N. C. Observer
September 20, 1935

NEGRO ON JURY FIRST TIME SINCE YEAR 1896

Nashville, Sept. 19.—For the first time since 1896 Nash County has a Negro sitting on the jury in the Superior Court here. The Negro juryman is W. T. Mann of near Whitakers, and is a good and respected resident of that community.

Mann is sitting on the jury as a result of the decision of the Supreme Court of the United States in the Alabama case which finds that where the county commissioners regularly and consistently exclude Negroes from the jury box because of the color or race and when a Negro is indicted in that county by the grand jury drawn from such jury box, the Negro defendant in such criminal action is entitled to have the bill of indictment quashed.

Memphis Tenn. Commercial Appeal
September 27, 1935

NEGROES EXAMINED FOR JURY DUTY HERE

All Offer Valid Excuses For Not Serving

Five negroes were examined by Judge Harry Adams in circuit court yesterday but none qualified as jurors for the September court term venire. All offered valid excuses for not serving on juries.

Their inclusion on the panel fulfilled the requirements of the Supreme Court's Scottsboro decision.

Judge Adams qualified 90 jurors for criminal and circuit service for the next three weeks; 40 for service for three weeks beginning Oct. 7 and 20 for three weeks beginning Oct. 13. New venires of 90 are qualified for each three weeks of court.

All-Race Jury Is Chosen For Inquest

Chic-American 10-12-35

TAYLORVILLE, Ill., Oct. 11—Setting a precedent for Christian county, Coroner Gilbert Nolan selected a jury composed entirely of members of the race to hear the inquest over the body of Fred Spears, aged Race man, who died here recently. Spears, born in slavery 104 years ago, was the oldest resident in Christian county at the time of the death.

Macon, Ga., Telegraph
October 10, 1935

BIBB JURY LISTS INCLUDE NEGROES

New Commissioners Seeking Good Citizens, Deny Scottsboro Connection

Negro jurors will begin appearing in local court rooms soon, it became known yesterday, when it was learned that names of leading Negro citizens are being placed in the jury box now being prepared by the new jury commissioners.

Although the number of Negroes whose names will be approved will not become known until the list is completed by the commission, it is expected to be around 40. Roy W. Crockett, chairman of the commission, said there was no way to ascertain how many names of Negroes already had been approved, and that he did not know how many would be on the list.

The commission chairman declined to attribute the action of the commission to the decision of the United States supreme court in the celebrated Scottsboro case, but said the group feels that jury service is essential to good citizenship and that the leading Negro citizens should be included in the list of jurors.

Judges Cite Scottsboro

In the Scottsboro case, the supreme court set aside a conviction because no names of Negroes were in the box from which the accused's jury was selected.

However, it was known that the Scottsboro case decision was called to the attention of the commissioners by Judges Malcolm D. Jones and W. A. McClellan of superior court, who wrote a joint letter in which they expressed the opinion that unless the Negro digest of Bibb county were considered in making up the jury list, it would not stand against legal attacks.

In their letter, no suggestion was made that names of Negroes be approved for inclusion on the jury list, it was emphasized, but the judges merely wrote the letter for information of the commissioners and gave the opinion that the Negro digest would have to be considered.

Want Good Citizens

Mr. Crockett said the jury commissioners are going through the Negro digest just as the white digest and that persons considered most suitable for jury service are being selected.

"We are not putting the names of Negroes in the box because we are afraid some criminal verdict might be set aside," he explained, "but because we want them to be good citizens. We are picking persons who we feel will make intelligent, upright jurors."

He expressed the opinion that approximately 75 per cent of the jury commission's work has been completed. In addition to Mr. Crockett, members of the group are Kelly P. Allen, Henry Hollingsworth, J. B. Neighbors, Wilmer Shepherd and Frank Walthall. All are serving for the first time.

Macon, Ga., News
October 9, 1935

NEGROES' NAMES PUT IN JURY BOX

Between 30 and 40 Bibb County Negro Taxpayers Made Eligible for Service

Names of a number of leading Negro citizens of Bibb county will be included in the jury box now being prepared by the new jury commission, it was ascertained officially this morning.

While the number of Negroes whose names will appear in the box was not known, and Roy W. Crockett, chairman of the commission, said there was no way to ascertain how many Negro names already had been approved, the number is expected to be from 30 to 40.

Mr. Crockett said this morning that members of the commission, none of whom is "in politics," are "working earnestly and conscientiously" to prepare a "good jury box."

Action Explained

He said that names of leading Negro citizens are being included in the list of jurors because the commissioners feel that jury service is essential to good citizenship.

He declined to attribute the inclusion of Negro names in the box to the decision of the United States supreme court in the celebrated Scottsboro case, where a conviction was set aside because names of no Negroes were in the box from which the jury was drawn.

However, it was learned that Judges Malcolm D. Jones and W. A. McClellan of superior court studied the opinion in the Scottsboro case and informed the commissioners of it for their information.

Must Consider Digest

In that letter, Judge Jones said, the two judges expressed the opinion that it would be necessary to consider the Negro digest of Bibb county to prepare a list of jurors which would stand against legal attacks.

The judges did not suggest that names of Negroes be approved and included in the box, it was emphasized, because the jury commissioners are independent and are not subject to suggestions even from the judges who appoint them. The letter merely was written for information of the commissioners.

"We are not putting the names of Negroes in the box because we are afraid some criminal verdict might be set aside," Mr. Crockett said this morning, "but because we want them to be good citizens. We are going through the colored digest just as we are going through the white digest and are picking those whom we feel conscientiously will make intelligent, upright jurors."

Work Nearly Done

Mr. Crockett declined to speculate on whether names of Negroes would have been included in the box had the Scottsboro issue not been settled.

The chairman of the commission said work of revising the list of jurors is approximately 75 per cent completed. Members of the commission had a session this morning.

In addition to Mr. Crockett, the commission is comprised of Kelly P. Allen, Henry Hollingsworth, J. B. Neighbors, Wilmer Shepherd and Frank Walthall. All are serving for the first time.

Many Negroes Called For Jury Duty In South After High Court Decision

ATLANTA, Oct. 13.—(AP)—Negroes are appearing in increasing numbers on juries in the South, an unusual service for members of the race before the United States Supreme Court's decision in the "Scottsboro case."

The decision which sent the widely publicized case back to the Alabama courts on grounds of "systematic exclusion" of negroes from jury rolls, was said by legal authorities today to be behind the greater attention now given them in making up jury lists.

For the first time in the memory of court officials the names of three negroes were drawn last week for Grand Jury duty in Morgan County, Alabama, where two of the nine negro defendants in the Scottsboro case, accused of attacking a white woman, were convicted and sentenced to death.

Negroes have sat on Federal juries and in some southern States. It has been a common occurrence for them to be called for juries in State courts, but in the latter instances they invariably were "excused."

A negro dentist is on the jury in the trial of Abe Shushan, lieutenant of the late Senator Huey P. Long, on tax evasion charges in Federal court at New Orleans.

"Negroes always have been on panels as far as I know," Federal District Attorney Rene A. Viosca said. "Three or four of them are on every panel drawn in years." Few, however, ever are on the jury.

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Oklahoma City News
October 10, 1935

NEGRO JURORS NEEDED.

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Athens, Ala., Courier
October 17, 1935

Three negroes served on the Morgan county grand jury last week, the first in the history of the county. This was brought about by the decision of the U. S. Supreme court in the Scottsboro case where the verdict of the jury was set aside because there were no negroes on the jury or names of colored men in the jury box, We wonder what Liebowitz will think of this when his clients go to trial next time. There are plenty of negroes capable of serving on juries, but it has not been the practice in the state to place the names of colored people in the jury box, but hereafter there will be plenty of colored names in the jury boxes in this state. No more miscarriages of justice on this score.

Huntsville

Negroes Serving On Jury At Decatur

When Names of Negro Jurors Called In Huntsville. Asked To Be Erased

For the first time since reconstruction days, negroes were serving on a Morgan county grand jury Tuesday at Decatur. The names of three were drawn for duty when Judge A. A. Griffith, of Cullman, empanelled the grand jury on the opening of the October term of circuit court.

The negres drawn are Jim Sanford, a former employe of the L. & N. railroad in the car department here; Arthur Stewart farmer of East Morgan county and Glen Sharpley, a farmer residing near Hartselle.

Crowds in the court room manifested only a slight curiosity as the negroes took their places in the box to receive Judge Griffith's charge.

The county jury box was dumped September 24 and a new list of names placed in it by members of the jury commission in compliance with a recent act of the legislature requiring that names put in the box last year be destroyed and replacd with another list.

Back in August when Madison county's circuit court was convened at Huntsville the names of two negroes, namely C. K Binford, local undertaker and Robert S. Beard, local physician, were drawn from the regular vanire. However due to the occupation each of them followed at their own request they were excused from rendering service by Judge Speake.

First Negro Chosen For Annapolis Grand Jury

ANNAPOLIS, Md.—Two innovations marked the opening of the Anne Arundel County Circuit Court last week when Judge Linwood L. Clark permitted the taking of flashlight photographs in the courtroom and the first Negro to sit on a county grand jury was selected.

The man was William Jackson.

There were 30 civil cases on the docket and nine criminal appeals to be heard as the grand jury went into session. In his charge to the jurors, Judge Clark urged them to ignore innocent gambling and concentrate on commercial gaming, whether by use of machines or otherwise.

Two Negroes Drawn For Jury At Scottsboro

SCOTTSBORO, ALA., Nov. 5.—(AP)—The names of two negroes were included in a venire of 35 drawn late today by Judge A. E. Hawkins from which a special Grand Jury will be selected to meet here Nov. 13. The negroes were listed as Bird Hill, farmer of Bridgeport, and Creed Conyer, laborer of Paint Rock.

Court attaches indicated that the special Grand Jury would reopen the famous "Scottsboro case," and that Thomas E. Knight, Alabama lieutenant-governor, is expected here next week to direct the new investigation. Knight, as attorney general, directed the previous prosecutions.

Oklahoma City, Okla.
TIMES
NOV 11 1935

Lee Wells, Chickasha Negro, is believed to be the first of his race to serve on a federal court jury there, the Daily Express says. Other Negroes have been summoned for jury duty but always have been excused at various times previously, the paper explains. (The Wells case at Chickasha recalls one here in which a dozen Negroes served in the court of C. L. Smith in May, 1902. They heard the case of Wilile May Terrell, charged with carrying a pistol. At that time it was believed to be the first and only case in which Negroes were jurors.)

Juries - 1935.

Thomasville, Ga., Press
December 6. 1935

In obedi[illegible] a ruling of the United States supreme court, the names of negroes were placed in the jury boxes and become elligible to jury service over in Alabama. The case that brought the decision was that of seven young negroes charged with rape on two white women. The courts promptly wipe the legal slate against the negroes clean and started prosecution all over again by drawing another jury including two negro members that set forth and indicted the defenants. Now those prejudiced minded northern fanatics will probably contend those two negro jurors were afraid to assert their rights in opposition to the indictments of those fienidsh criminals.

27 LOCALITIES CALL NEGROES FOR JURYMEN

Call

Supreme Court Decision in Scottsboro Cases Causes Change

11-15-35

Kansas City

NEW YORK, N. Y.—A survey of results of the Scottsboro cases in which the supreme court dealt a death blow to the lily-white jury system, shows that Negro jurors have been called in 27 localities which hitherto ignored them.

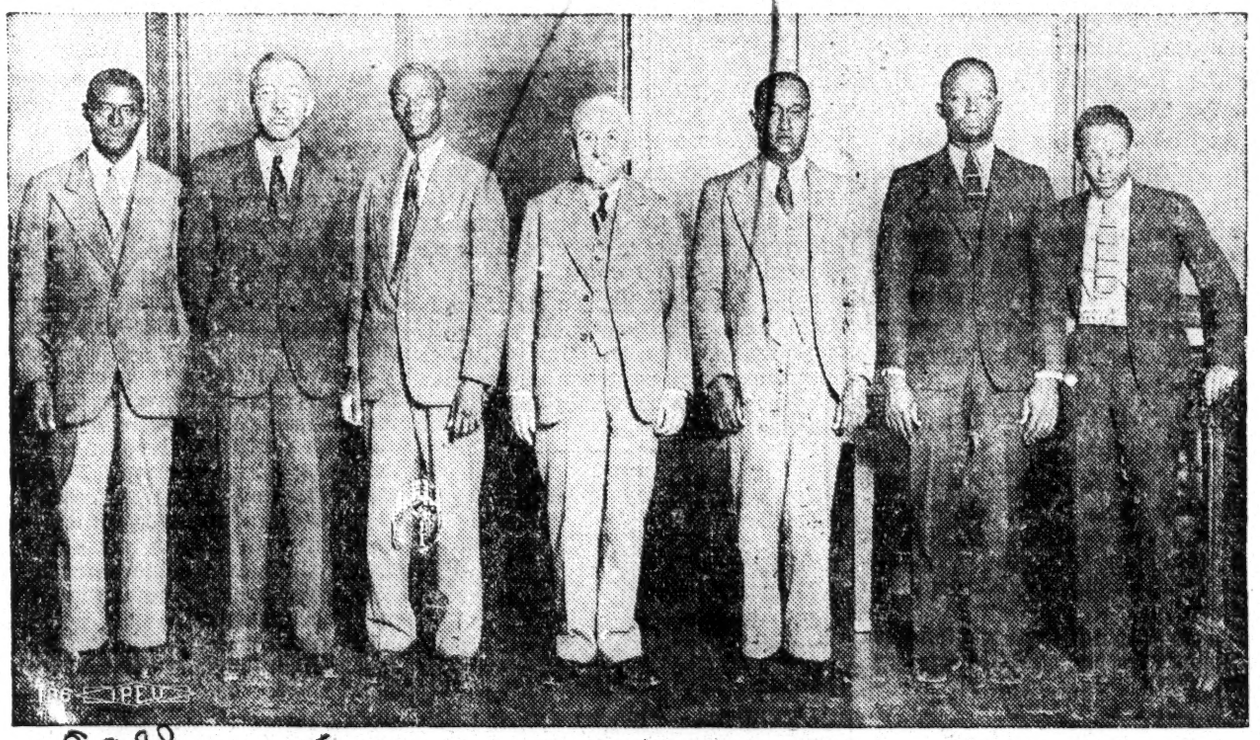
Reports tell of 27 localities — cities, towns or counties where one or more Negroes were called for service on grand or petit juries.

Negroes actually served in Harrisonburg, Spotsylvania, Williamsburg, and Fairfax, Va. New Orleans and Jefferson parish, Louisiana, Nash County and Guilford County, N.C; Jackson, Tenn; Clarksdale, Miss., Elizabeth City, N.J. Decatur, Ala., and Hays County, Texas.

In 11 cases of litigation, defendants moved to quash the indictments against them on the grounds that Negroes had been systematically excluded from service on the Grand Jury. In all these cases action was based on the Supreme court decision of the year.

The defendants were successful in having indictments dismissed in Fairfax, Va., Mobile, Ala., and Clarksdale, Miss. The motion for quashing was overruled in Newark and Elizabeth City, N.J.; In Dothan, Ala., and in Kingdom of Callaway, Miss. The results of the motions to quash made in cases arising in Norfolk, Va., Elizabeth, N.J.; St. Louis, Mo.: and Memphis, Tenn., are not yet known.

SIXTH ALL NEGRO CORONER'S JURY



Call
11-15-35

The all Negro jury which served Coroner Furlong in St. Louis from October 19 to 25 from left to right: Jefferson Ellis, 2624 Lawton avenue; John F. Commodore, 4248 West Belle place; Walthall Moore, 2312 Market street; Coroner Frank P. Furlong; L. H. Bryant, 4222a West Cote Brilliante avenue; Charles Zamper, 2507 North avenue and John Cunningham, 4266 West Belle place. Coroner Furlong has appointed a total of 95 Negroes to jury service office. Mr. Furlong has asked Negro ministers, teachers, members of the Y. M. C. A., the Negro press and other citizens to suggest names of persons who may be qualified for jury services. The above jury was selected by the Negro press representatives of St. Louis.

TWO NEGROES DRAWN ON JURY IN BARBOUR COUNTY.

Clayton, Ala. Oct. 22.--(Special) Two Negroes have been drawn for jury service in Barbour County in a special venire for three capital cases in Fall term of Circuit Court at Clayton. They are John Fryer, Clio and Lewis Griffin, -Clayton.

Negroes have not served on Barbour juries in a nuber of years, probably not cince reconstruction days, in the memory of old residents. The Negroes drawn on the special venire are in accordance with the Sppreme Court ruling in Scottsboro Casa.

The three cases the special venire will serve for are two murder cases and one attack case. The parties concerned in the cases are all Negroes. The three cases are all set for Oct. 24. Judge J.S. Williams is presiding at Circuit Court in Clayton.

Montgomery Advertiser
Oct. 23, 1935
Montgomery, Ala.

Juries - 1935

NEGRO SERVES AS FEDERAL GRAND JUROR IN TENNESSEE

Call 5-3-35

CHATTANOOGA. — (ANP) — Charles Wilkerson, a local undertaker has just finished his term as a juror on the federal grand jury here, the first Negro to so serve in many years.

South Carolina Places Negro Names on Jury List

Call 5-3-35

SPARTANBURG, S. C.—(ANP)—Judge Hayne F. Rice of general sessions court here, instructed the Spartanburg county dary commissioners last week to place the name of Negroes in the jury box wher new petit and grand jurors are drawn next December.

Judge Rice said that in view of the recent United States Supreme court decision in the Scottsboro cases "it will be necessary for us to draw the name of some Negroes and put them in the box from which petit and grand juries are drawn in order to make the cases stick."

NORFOLK, VA.
LEDGER DISPATCH

APR 25 1935

PETIT JURORS ALL ARE WHITE

None of Names of 42 Negroes in Box Drawn By Court Officials

NEGRO DEFENDANTS CONSIDERED LUCKY

Despite the fact the names of 42 Negroes have been placed in the jury boxes of the two local Corporation Courts, the May petit jury drawn today remains lily white.

In this instance, however, it was chance rather than design that kept Negroes off the jury panel. The names of the 42 Negro jurors—21 in each court—were placed in the box with the names of other jurors, but it so happened that court officials drawing the names out by chance failed to draw even one Negro juror.

Even under the terms of the Scottsboro decision by the Supreme Court however, the trial of Negro defendants by an all-white jury during the May term is entirely legal.

The court's decision was that conviction by juries from which members of that race had been barred was illegal. There is no barring of Negroes under the present system.

It is the general opinion in legal circles that Negro defendants standing trial during May in local courts are lucky that no members of their race were drawn on the May panel. Negro jurors, it is believed, will be more severe than white jurors in meting out punishment to members of their race.

ELIZABETH, N. J.
JOURNAL

APR 24 1935

NEGRO ELIGIBLES FOR GRAND JURY

Committee Gives List to Commissioner Fitzpatrick.

A committee of Negro business and professional men has volunteered to supply Jury Commissioner John J. Fitzpatrick, of Linden, with facts in connection with the qualifications of members of the Negro race for Grand Jury duty, in order to relieve him "of future embarrassment."

The committee headed by Dr. Robert H. Thompson, D.D.S., of Westfield, was moved to action because of a statement of the Jury Commissioner that he personally did not know of any Negro who could qualify for Grand Jury service, except a lawyer who was exempt. Fitzpatrick made the statement before Judge Lloyd Thompson in a recent trial when Frank Cohn, counsel for Amos Carr, indicted for manslaughter, declared that members of the Negro race were not called for Grand Jury duty in this county and that this was a violation of the Fourteenth Amendment to the Federal Constitution. Cohn sought to quash the indictment against Carr. Judge Thompson denied the motion, declaring no prejudice or discrimination had been shown in the drawing of the Grand Jury panel. Carr was acquitted by the petit jury.

An "open letter" sent to Commissioner Fitzpatrick by Dr. Thompson, and signed also by Dr. Charles F. Gibson, Dr. L. Greeley Brown and Edward S. Lynch, read:

"In the April 17 issue of the Elizabeth Daily Journal and the April 18 issues of the New York Times, New York Herald-Tribune and Newark Evening News appears an article in which you are quoted as saying, 'That you know of no Negro who could qualify for Grand Jury service, a lawyer being excepted.' You were further quoted as saying, 'That you tried to pick outstanding citizens; men who are intelligent, business men who have succeeded and are prosperous, and others, who stand well in the community.'

"Since you have admitted so profound a lack of information regarding the qualifications of the constituents of Union County, and since this lack of information reflects so intensely on the entire Negro group of Union County, we the undersigned, volunteer to supply you with certain facts, which we greatly regret you do not seem to possess.

"In order that you, as well as we, might be relieved of any future embarrassment, the facts are, that in Union County there are fourteen Negro physicians, eight dentists, two pharmacists, one lawyer, three morticians, a number of outstanding clergymen and many business men engaged in various enterprises. A vast majority of this group are college graduates whose standing, judgment and integrity no one heretofore has dared to challenge.

"In our opinion, the qualifications of this group meet with the requirements laid down in the Federal Constitution."

Commissioner Fitzpatrick said today that he would "give careful consideration to the letter," which he said he had not yet received. He had not yet been to his office in the Courthouse, and presumed it was there.

When a copy was read to him he said: "I would just as soon put a Negro on the Grand Jury eligible list. You know there are only thirty-five eligibles drawn, and twenty-three serve actively. I will give a lot of consideration to the letter of the committee. I really don't know personally any Negro except J. Leroy Jordan, and a lawyer cannot be called for Grand Jury service. I will be glad to give the committee's list every consideration. The May eligibles' list has already been made up. The next list will be for the October Grand Jury, and this letter will be given every consideration by me."

Newberry, S. C. Herald & News
April 26, 1935
NEGRO JURORS.

Judge Hayne F. Rice has instructed the jury commissioners of Spartanburg county to place the names of some negro taxpayers of that county in the jury boxes before grand and petit jurors are drawn in December, according to the Spartanburg Herald. This was necessary, he said, "to make the cases stick in view of the decision of the United States supreme court" in the Scottsboro, Ala., cases, where new trials were ordered on the ground that negroes were systematically excluded from jury service. "This will have to be done all over the state," Judge Rice declared.

Negroes Demanded On Tennessee Jury

McMINNVILLE, TENN., May 2—(AP)—Defense attorneys here today injected the issue of the right of negroes to serve on juries into the trial of Ernest Womack, youthful negro, charged with first degree murder.

Defense counsel filed a plea in abatement charging the 17-year-old defendant with being deprived of his constitutional rights as he went to trial in Circuit Court in connection with the death of Paul Cunningham, taxi driver, found shot near here April 16.

State's attorneys resisted the move and Judge R. W. Smartt overruled the plea which insisted that the "defendant being a colored boy, is entitled to be arraigned, if at all, on an indictment found by a fair and impartial Grand Jury selected without any regard of race or color."

The plea set forth that no negro had been summoned, impanelled, or sworn in, or given the right to serve on the Grand Jury.

After Judge Smartt had disposed of the plea E. C. Burgess Nashville detective the first witness, testified that Womack had confessed to shooting Cunningham after his arrest in Nashville.

Negroes Not Barred as Jurors in Arkansas

5-3-35

LITTLE ROCK. — (CP) — That there are no legal restrictions against Negroes serving as jurors in Arkansas, was the information relayed to Fletcher Cooper, a member of the editorial staff of the New York World-Telegram, in reply to a query as to the Arkansas statutes.

The information was given out by Attorney General Thomas Fizhugh. The communication to the New York World-Telegram inquiry said:

"Both Negroes and whites must be qualified electors to serve on a jury in Arkansas; there are no restrictions on Negroes and they stand on exactly the same footing within the law as do the whites."

Speaking further, Fitzhugh advised Cooper, "Their absence on juries is due to the jury commissioners' failure to select Negroes on jury panels, rather than to any inhibition or restriction in the law."

Lack Of Negro Jurors In D. C. As Well As In Ala.

WASHINGTON, D. C. (CNS) —The fact that there are no Negro jurors on any of the criminal courts of the District of Columbia at the present time, is causing much comment. A committee of the Washington Bar Association has been appointed to investigate and determine the cause or reason that Negro petit and grand jurors are more of an exception than the rule.

This condition at the Capital where more than one fourth of the population is colored recalls the fact that the first mixed jury of colored and white men was drawn here in 1869, six colored and six white—in the celebrated "Millie Gaines murder trial."

On March 5, 1869, Millie Gaines, a colored woman, murdered James A. Ingle, white. Indicted for first degree murder, the defense set up that she was temporarily insane, partly by heredity, and partly by moral causes, and that she was justified in taking the life of her betrayer which she did with an axe. She confessed the act.

The trial lasted several days and attracted wide attention. Mrs. Dr. Mary Walker, the noted woman, who always wore male attire, and Mrs. Dr. Belva Lockwood were interested spectators.

On July 21 after five minutes deliberation, a verdict was rendered of "not guilty by reason of insanity."

The six colored men who served on the jury were: Charles Humphries, huckster, 117 Center Market—home New Jersey avenue near D street, Southeast; David Fisher, of Brown and Fisher furniture dealers, 454 New York avenue; home 14th near H street Northwest; John A. Gray, restaurant, 15th about corner H street; the Rev. James D. Reed, Pennsylvania avenue near Fourth, southeast, Herbert Harris, restaurant, 322 E street, Northwest, house 1307 E Northwest; and Lenard C. Bailey, barber Union Hotel; house 1022 19th street, Northwest.

NEGROES ON JURIES ISSUE OF DEFENSE

Commutes Clipped

Tennessee Defendants Deprived of Rights, Claim

5-3-35

M'MINNVILLE, Tenn., May 2— (AP)—Defense attorneys here today injected the issue of the right of negroes to serve on juries into the trial of Ernest Womack, negro, charged with first degree murder.

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The plea set forth that no negro had been summoned, impaneled or sworn in or given the right to serve on the grand jury.

After Judge Smartt had disposed of the plea, F. C. Burgess, Nashville detective, the first witness, testified that Womack had confessed to shooting Cunningham after his arrest in Nashville.

COLUMBIA, S. C.
RECORD

APR 23 1935

NEGROES' NAMES MUST BE IN JURY BOX, JUDGE SAYS

SPARTANBURG, April 23.— (AP)—Judge Hayne F. Rice, of Aiken, has instructed the Spartanburg county jury commissioners to place the names of negro citizens in the jury box when petit and grand jurors are drawn next December, the jurist revealed today in addressing the grand jurors in general sessions court.

Judge Rice added: "This will have to be done all over the state.'

The judge cited the recent decision of the United States supreme court in granting a new trial to the defendants in the Scootsboro, Ala., case where, it was alleged, negroes were "systematically" eliminated from jury service.

In dismissing the grand jury, Judge Rice said:

"Gentlemen, do not be surprised if you find negroes on the grand and petit juries next December. Since the Scottsboro decision of the United States supreme court in those rape cases, it will be necessary for us to draw some negroes and put them in the box in which the petit and grand juries are drawn in December. This will be necessary in order to make the cases stick in view of the decision on the United States supreme court. This will have to be done all over the state. It is already being done in Charleston. I merely make this statement to you so you will not be surprised."

D. C. Bar Group Seeks More Men on Its Juries

The Scottsboro Decision Arouses Capital to Discrimination in Service.

5-4-35

COURT OFFICIALS TELL DIFFERENT STORIES

One Uses City Directory, Other Club Lists.

WASHINGTON—A committee representing the Washington Bar Association recently brought to the attention of Chief Justice Alfred A. Wheat of the D.C. Supreme Court the fact that, at the present time, all the jurors on the panels of the criminal courts of the District are white.

Of the five hundred fifty persons certified to, on the five panels drawn to serve on juries during the present terms of the several courts, all but five jurors are white according to the Bar committee.

Discrimination Alleged

Members of the Bar committee, making investigation into the methods of the Jury Commission following the Supreme Court's decision in the Scottsboro case, state that there is a growing belief, among many of them that there is a systematic exclusion of our citizens from jury service here in the District.

They state that while we form more than one-fourth of the total population of the District of Columbia: 132,086 to 353,928 whites, and 887 of other races—panel after panel is certified by the Jury Commission with only white jurors being named.

The first mixed jury in a murder trial in the District was drawn July 1869, to serve in the Millie Gaines murder trial. The names were drawn from a hat, in open court, on July 12 and 13, 1869, and resulted in six colored and six white men serving on the jury, which tried the defendant.

The population of the District in 1870 was 43,404 colored, 3 Chinese; 88,278 white, and 15 Indians.

On Bar Commission

The Bar Committee, consists of: Edward P. Lovett, chairman; Henry Lincoln Johnson, Jr., Dr. Charles H. Houston, James G. Tyson and Nelson H. Nichols.

They were instructed to determine the reason that non-white petit and grand jurors in the District are more of an exception than the rule; and also to determine the cause of the large proportion which whites, on the petit and grand juries, bear to the total number of jurors chosen for service.

The Committee has not yet made its report to the Association.

Jury Commissioners White

The jury commissioners are appointed by the Supreme Court in General term; at present the commission is composed of three members, all white: Horace G. Smithy, Edwin G. Graham, and Adam A. Weschler.

The terms of both Graham and Smithy have expired. These men are holding over until their successors are appointed. The law prevents any member from succeeding himself.

Smithy Talks

Smithy, when his attention was called to the overwhelming proportion of whites on the jury panels, said:

"The Commission makes no distinction in the selections. The names selected and placed in the jury box, were taken from the city directory, telephone directory, club membership lists, and from individuals, on recommendation or personal application."

Smithy said that at the next meeting of the Commission he would "look into the matter of so few non-white jurors."

E. C. Graham, another commissioner was out of the city and could not be interviewed. Several calls at Weschler's place of business found him out.

Uses City Directory

Frank English, white, a clerk in the Jury Commission office, said that the city directory, only, was used in selecting the names for the jury box, but personal applications were always considered.

He stated, however, that all non-white persons, whose names were placed in the jury box, were required to call at the jury commission's office for examination, and a personal interview. He said that many young non-white men and women, between the ages of twenty-one and twenty-five, had applied to serve on the several juries. Most of these applicants were well educated, he said, but in his opinion, were lacking in worldly experience.

ORLANDO, FLA.
SENTINEL

APR 26 1935

Negroes on Juries

MEMBERS OF THE U. S. supreme court have commented adversely upon the custom in the south of excluding negroes from juries. The past week a federal judge in Spartanburg S. C., ordered that names of negroes be included among those to be drawn for the next term of federal court.

The constitution of the United States says a man shall have the privilege of being tried by a jury of his peers. Can anyone, knowing the condition of the negro in the south say a white man would be judged by his peers, should a portion of the jury be made up of negroes?

Negroes for the most part are emotional, easily swayed, will permit their personal feelings to rule their judgment, and in the great majority of cases, would be unreliable jurors.

There are a few intelligent negroes who might be qualified to sit in judgment upon their fellow men, but they are the exception rather than the rule, especially in the south. To select the few who might be fitted for jury service, would be an almost impossible task.

When the supreme court asks that negroes be placed on juries in the south, it unknowingly is hindering, rather than aiding justice.

GREENSBORO, N. C.
RECORD

APR 26 1935

Negro Jurors.

Strange as it seems, a South Carolina judge this week instructed the jury commissioners of Spartanburg county to place the names of negro citizens in the jury box from which will be drawn members of the petit and grand jury. "This will have to be done all over the state now," the judge asserted.

This action, of course, comes as a result of the decision of the United States Supreme court, ordering a new trial in the notorious "Scottsboro case," from Alabama, on the grounds that the negroes, in this case in which negroes were accused of raping white women, had been systematically eliminated from jury service.

In view of this decision, inclusion of eligible negroes in the lists from which juries are drawn is obviously necessary if the law is to be followed to the letter and if like appeals and like decisions in cases involving negro defendants are to be avoided.

The Greenville (S. C.) News, commenting on the Spartanburg county incident, doubts if any great number of negroes will actually be drawn into jury service, but adds, ". . . in any event we see little in the prospect for any special excitement. Jury service is a purely civil duty and the occasional drawing of a negro in the trial of a case will hardly 'be an event calculated to shake the section out of the even tenor of its ways!"

That is a rather surprisingly mild attitude for a South Carolina newspaper to assume, though perhaps it is the wisest one in the circumstances. Negro lawyers have long been practicing in the courts of this and other southern states. An occasional negro juror is a prospect hardly calculated to upset the equilibrium of the populace nor of the judicial establishment.

Juries-1935.

TO FIGHT EXCLUSION OF NEGROES FROM JURIES IN NEW YORK

QUEENS, N.Y. - (CNA) The Committee for Equal Opportunities, a Queens organization which has been leading the fight for the appointment of Negroes to the medical staff of the new Queens Hospital, has undertaken a campaign to obtain for the residents of South Jamaica a playground and recreational center.

The Committee has also interested itself in fighting the systematic exclusion of Negroes from jury service in Queens. Investigations are being made with the aid of the legal staff of the International Labor Defense. Efforts will be made to end this form of discrimination.

In line with its stand against discrimination, the Committee sent a vigorous protest to the National Broadcasting Company condemning Huey Long for using the word "nigger" in his speech last week over the NBC network.

The Committee for Equal Opportunities is composed of several Negro and white organizations.

It recently forced the Queens officials to agree to the appointment of Negro doctors and technicians to the staff of the newly completed Queens General Hospital.

The Southern Jury Problem

"The South probably will go on handling its affairs in much the same way as it always has," said Senator Bankhead, of Alabama, last week, when commenting upon the decision of the United States Supreme court, regarding Negro exclusion from southern juries.

It will be recalled that last week we said in this column that the South would immediately attempt to follow the letter of the law, as expounded by the Supreme court, but not the spirit. Our experience with Jim Crow and disfranchisement causes us to know that in spite of the edicts of our federal judiciary, the South continues to flout and ignore the intent and purpose of the United States constitution.

Here is the way that Senator Bankhead disposes of the question:

> "It's entirely a race question. Suppose a Jew or an Italian were convicted in New York. Would he have justified complaint if there were no Jews or Italians on the jury? Of course not.
>
> "And I don't think that southern lawyers who are counsel for Negroes will demand that Negroes be on the jury."

Keep in mind, Senator Bankhead said "suppose" Jews and Italians were denied jury service. "Mr. Bunkhead" was careful to suggest something not analageous to the issue. Jews and Italians are permitted jury service, so that we have no concrete example of how they would act were they to discover that they had been definitely barred. So far as Jews are concerned, they have been honored with membership on the Supreme Court bench.

Interesting is the comment of another southerner writing in the Atlanta Constitution, who is terribly distressed because he fears some Negro on jury service might fail to concur in the will of the majority. The open inference of this commentator is that a mob might form within the jury room if some Negro juror happened to follow the dictate of his own conscience and reason, refusing to submit to the dictates of violence.

This sugestion throws an interesting sidelight on the psychology dominating white juries, charged with trying a Negro, while the angry mob awaits outside the door. It would indeed require a black man with probervial guts to exercise more moral courage than a white juror, who forgets the evidence and the facts while listening to the rumble of unreason outside the jury room.

"Tommyrot" is the best answer to hurl at the charge that few Negroes can qualify for jury service. No appeal court in America pays any attention to decisions coming from southern tribunals. Conceptions of justice eminating from southern juries are so tainted with prejudice that they immediately lose public sanction the moment such decisions have served their local purpose. Go into any court and listen to any outstanding lawyer. Note how he almost wholly relies upon decisions of courts far remote from Dixie, and where men have more integrity in dealing with human affairs.

So far as literacy is concerned, Negroes can meet this test. An honest white man writing in The News and Observer, Raleigh, N. C., since the Scottsboro decision, tells this illuminating story regarding the dense ignorance of the whites on a jury in his state.

Here's the narrative:

> "I recall a capital case tried in Wake county in which the foreman of the jury afterwards explained the device by which a secret ballot was taken, although some of the jurors could not read or write.
>
> "He distributed among the jurors slips of paper, each folded three times. A perpendicular tear in the paper to the first fold, one-third the length of the paper, represented a vote of 'guilty.' A similar tear through the first fold and continuing to the second, or two-thirds the length of the slip, was a vote of 'not guilty.' hTe foreman, I recall, was quite proud of his ingenuity."

We have heard of dumb animals having learned to count by such a method, but never before did we know that white American citizens in this day and time had sunk so low in the scale of intelligence they must resort to such crude methods of deliberation.

The crux of the whole jury question rests in the unwillingness of the white southerner to allow the Negro in the jury box under any pretext whatsoever. It is not a question of intelligence or integrity; it is a question of whether or not interracial jury service will serve to draw the fangs of prejudice.

The average white man goes in the jury box to try a black man in a case wherein the black man's life, liberty or property is at stake. Each one of these white jurors knows that regardles of hi deciion, he i trying an individual who ha no influence or control over hi life. He doe not have to be careful and considerate, because the black defendant will live forever, whether in jail or out, of isolated citizenship.

Suppose, however, (with apologies to "Senator Bunkhead" for supposing) that Negroes acquired and effected general jury service. Can you not see that the behavior ism of white folk generally in court procedure would change? It would not take long for it to sink into the consciousness of white citizens that "unless I am fair in my conclusions on juries. Negro jurors may be tainted and narrow in the "Judge not that ye be not judged." Under the southern system the white man has sought to dodge the judgment of the black man. There is no equity, honesty or in such a complex. Why want to sit as umpire other man's affairs without allowing him the same e? Why do unto others what you would not want o do unto you?

Juries-1935.

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We have heard of dumb animals having learned to count by such a method, but never before did we know that white American citizens in this day and time had sunk so low in the scale of intelligence they must resort to such crude methods of deliberation.

The crux of the whole jury question rests in the unwillingness of the white southerner to allow the Negro in the jury box under any pretext whatsoever. It is not a question of intelligence or integrity; it is a question of whether or not interracial jury service will serve to draw the fangs of prejudice.

The average white man goes in the jury box to try a black man in a case wherein the black man's life, liberty or property is at stake. Each one of these white jurors knows that regardles of hi deciion, he i trying an individual who ha no influence or control over hi life. He doe not have to be careful and considerate, because the black defendant will live forever, whether in jail or out, on an island of isolated citizenship.

Suppose, however, (with apologies to "Senator Bunkhead" for supposing) that Negroes acquired and effected general jury service. Can you not see that the behavior-ism of white folk generally in court procedure would change? It would not take long for it to sink into the consciousness of white citizens that "unless I am fair in my conclusions on juries. Negro jurors may be tainted and who ha no influence or control over hi life. He doe not have to be careful and considerate, because the black defendant will live forever, whether in jail or out, on an island of isolated citizenship.

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Remember
3-16-35
Communist Party
2162 Seventh Ave.
New York, N.Y.
Black Dispatch
4-13-35
Oklahoma City
Okla.

LAKE COUNTY JURORS

American

DUE to the enterprise of The Post-Tribune in getting a local angle on the recent Scottsboro decision by the United States Supreme court, the situation of the Negro with reference to service on Lake county juries has cropped to the fore. From developments it seems it would have been better for some officials had the question been glossed over locally.

In endeavoring to show that color played no part in the selection of juries here, Jury Commissioner George Brackert of Hammond stated few Negroes served on local juries because so few could qualify. Personal property with an assessed valuation of $45 or more and a standing as head of a home are necessary.

4-13-35

Atty. Anderson, in a letter printed elected in the local daily and published in full in this week's American, points out the absurdity of Mr. Brackert's contentions. He states that enough Negro heads of families have second hand cars assessed at over $45 to supply the county with jurors for at least a year. So far the esteemed gentleman from Hammond has made no reply.

Against Johnson

The truth of the matter is that neither Lake county nor any other community, with possibly a few exceptions, can more than the barest total of Negroes. Neither the ratio to the population nor to the eligible total is considered. Their use is the exception and not the rule.

We might go even farther. It seems to us that the same point of jury service might logically be raised in a case going to the nation's highest tribunal from practically any locality in this nation and not merely from the bigoted South. It would be at least enlightening to know the fine legal distinction between systematic exclusion and service under the Fourteenth amendment. Does the calling of one or two Negroes a year for service from a total Afroamerican population reaching into five figures satisfy both the spirit and letter of the Constitution? And if not what percentage of the eligible Negroes as contrasted with eligible whites does? Surely this question, suggested by the high court's decision, is of primary importance.

Although Lake county is far superior to Scottsboro, Alabama, it is many degrees away from perfection. Nor will it pay officials to base their excuse for no greater progress on grossly absurd contentions that will not stand the light of logic.

DAVENPORT, IA.
TIMES

APR 8 1935

NEGRO JURORS

Southern states are taking cognizance of the United States supreme court's ruling in the Scottsboro case in which it was determined that the negroes on trial for murder had a proper appeal because no negroes were called for jury service.

In some of the states possibly in all of them, negroes may be included in the jury lists in the future but that does not mean that they generally will serve on juries. The prejudice common in the south will find ways to get around permitting negroes to have places as jurors. For one thing, many negroes will not be able to qualify and even if qualified in every way they may be excused by attorneys trying cases.

The supreme court decision was a warning that states must go through the form of summoning negroes in jury panels. It does not insure that they will serve.

Coincident with the decision in the Scottsboro case came a ruling relative to the Texas primary law by which the Democratic party prevents negroes from voting. The party excludes negroes from its primary and that, practically, excludes them from voting since the Democratic primary is the important thing in Texas.

The supreme court decision in this matter written by Justice Roberts, includes this:

"The state supreme court declared that a proper view of the election laws of Texas and their history required the conclusion that the Democratic party in that state is a voluntary political association and by its representatives assembled in convention has the power to determine who shall be eligible for membership and as such eligible to participate in the party primaries. We take that view of the Texas law."

The question, of course, does not affect the whole country but this decision settles a matter that has been in controversy in Texas for a number of years.

BIRMINGHAM, ALA.
NEWS

APR 6 1935

JURY BOARD SETS CLOSED SESSION

Governor Graves' Order With Reference To Negroes Will Be Discussed

An executive meeting of the Jefferson County Jury Board will be held next week to discuss Gov. Graves' suggestion that names of Negroes "must be placed in jury boxes in every county in the state."

James J. Smith, president of the board, said he had not decided what day the meeting would be held. Other members of the board are Joseph H. Loveman and John Angwin.

Mr. Smith pointed out that the governor's suggestion had been made directly to the judiciary and that he had received no communication from the chief executive, who made the suggestion in view of the Supreme Court ruling in the Scottsboro case.

The jury box in this county has had names of "a few Negroes" in it several years, but Mr. Smith would make no comment in connection with this fact. Negroes in recent months have received jury subpoenas and have come to the courthouse and been excused from service, court attaches said.

The board head pointed out that the Jefferson County box would be refilled under the existing statute regulating the box in this county next Sept. 1 and that clerks are busy preparing a new jury roll. When the box was last refilled nearly two years ago 29,218 names were placed in it. Several hundred of these were reported to have been names of Negroes.

Mr. Smith pointed out further that the board is an "administrative body" and said "there's hardly any action we can take until we receive instructions either from the Legislature or judiciary."

Presiding Judge Thompson declared he would "be glad" to cooperate in any way possible with Gov. Graves and his wishes, but said he had no authority to order the jury box emptied or refilled. He said he merely could rule on any litigation brought in connection with the box, and pointed out that the power of emptying and refilling the box rested entirely in the hands of the jury board, which in turn is governed by an existing statute.

Lawyer Not Worried Over Negroes On Jury

MONTGOMERY, Ala.—(AP)—Ray Rushton, Montgomery attorney, said "There is nothing to be alarmed about" in the United States Supreme Court "Scottsboro" decision which Gov. Graves Friday declared meant that the names of Negroes must be placed in every jury box in Alabama.

Rushton, who served as chief justice on the special Alabama Supreme Court that decided the validity of the Lapsley-Lusk salary reduction act, said:

"I have seen Negroes called to jury duty in Montgomery Circuit Court, many of them. I have never seen a Negro who was a defendant in a criminal case of any kind allow his attorney to accept a Negro on the jury determining his guilt or innocence. Negroes charged with crime always have preferred white men on the juries.

"There is nothing to be alarmed about. The whole thing is like making a mountain out of a molehill."

Negroes On Juries Not New In South

By The Associated Press

Practical effects of the United States Supreme Court decision in the Scottsboro case on the South's jury system were being considered in official circles Saturday, but there appeared little likelihood of Negroes taking widespread advantage of their long-held legal right to sit in the jury box.

Since reconstruction days, Negroes have had the chance to serve on Southern juries, there being no legal barriers erected against them. But they generally have been reluctant to serve. And in many cases Negroes were not able to qualify as jurors.

Commenting on the action of Gov. Graves, of Alabama, in calling for inclusion of Negroes' names in jury lists, Edwin R. McNeill, chief justice of the Oklahoma Supreme Court, said he had never yet found a Negro who wanted to serve.

McNeill said it was not uncommon to get a Negro's name in a jury. He added that if one were on a jury and wanted off, each side has peremptory challenges without giving any reasons.

A Negro juror could not be compelled to serve if he did not want to, the Oklahoman said, and added "I wouldn't want to sit in a case where he felt he was compelled to."

Negroes have served on Georgia juries. In one of the most celebrated cases in Richmond (Augusta County), the trial of Mrs. Lillian McKie for the murder of her husband several years ago, two Negroes were on the jury which acquitted her after an earlier conviction had been set aside.

Another Richmond County case was recalled in which a Negro juror helped convict a member of his own race on a criminal attack charge.

JUDGE FLAYS BIAS IN DIXIE JURY SYSTEM

Call

By S. B. Wallace

AUGUSTA, Ga.—(ANP)—Judge William H. Barrett, in his charge to the jury in the case of John T. Witt, white, charged with the theft of a mail pouch said that he thought it was time for the court to comment on the proposition that a Negro should not be given the same recognition in courts as members of the Anglo-Saxon race receive.

4-12-35

Previously there had been an argument of the defense attorney, in which the latter had contended that this case was one in which the United States had little real interest—that it was a case between two races and that no one should take the testimony of a Negro against a white man.

Lawrenceville Geo.

He was referring to the testimony offered by Robert Everson, a Negro, who admitted the theft of a mail pouch as well as two mail sacks and implicated Witt a white man, through a written confession.

Both Planned the Felony

The government's position was that Witt and Everson planned the felonies after holding a conversation on hard times and that Everson snatched the bag from the mail room of the union station signalled Witt who drove his taxi around the park in front of the station, to a gas station nearby where Everson joined him.

The jury brought in a sealed verdict in Witt's case.

"Things have come to a pretty pass," the court said, "when a person was not believed on the witness stand because of his color. If the time ever comes when a man is not believed because of his race, we shall have taken a long step toward destroying our government. When justice fails to come from the jury box, it is high time to raze our courthouses and abolish our jury system."

He also referred to the practice in slavery days of rejecting the testimony of a slave. A man could commit murder and get away with it if the only witness was a slave.

Juries-1935

Scottsboro Ruling Got Colored on 27 Juries, Survey Shows

NEW YORK, N.Y.—A survey of results of the Scottsboro cases in which the Supreme Court dealt a death blow to the lily-white jury system, shows that colored jurors have been called in 27 localities which hitherto ignored them.

Reports tell of 27 localities — cities, towns or counties where one or more colored were called for service on grand or petit juries. Colored actually served in Harrisonburg, Spotsylvania, Williamsburg and Fairfax, Virginia; New Orleans and Jefferson Parish, Louisiana; Nash County and Guilford County, N.C.; Jackson, Tenn.; Clarksdale, Miss.; Elizabeth City, N.J.; Decatur, Ala., and Hays County, Texas.

Appeal to Ruling in 11 Cases

In eleven cases of litigation, defendants moved to quash the indictments against them on the grounds that colored had been systematically excluded from service on the grand jury. In all these cases action was based on the Supreme Court decision of this year.

The defendants were successful in having indictments dismissed in Fairfax, Va.; Mobile, Ala., and Clarksdale, Miss. The motion for quashing was overruled in Newark and Elizabeth City, N.J.; in Dothan, Ala., and in Kingdom of Callaway, Mo.

The results of the motions to quash, made in cases arising in Norfolk, Va.; Elizabeth, N.J.; St. Louis, Mo., and Memphis, Tenn., are not yet known.

Among some of the more noteworthy cases were the following:

WHERE THE SERVED

Georgia

Atlanta: C. A. Falcon, barber shop proprietor, served as a member of the Fulton County grand jury.

Louisiana

New Orleans: Taylor Segue, served on jury in income tax evasion trial of Abram L. Shurshan, high political associate of Huey P. Long. (October).

Mississippi

Clarksdale: H. C. Armstrong, a school teacher, was among 20 jujrors drawn for grand jury service of Coahoma County. He sat on the jury to consider the case of two colored persons charged with the murder of a white merchant. This was the first time since Reconstruction days that a colored person has sat on a grand jury in the State of Mississippi. Indictments returned by a previous all-white grand jury against the two defendants had been quashed by Judge William Alcorn on the claim of counsel for the defendants that colored persons were systematically excluded from grand jury and petit juries. (October)

Kingdom of Callaway: Attorney for Anderson Logan challanged the grand jury panel handing down the indictment because it included no colored. Judge W. C. Hughes overruled the defense attorney declaring that the case differed from the Scottsboro case in that the panel was chosen by a deputy sheriff at the order of the court. Prosecutor Sapp argued that no colored persons were qualified. Attorney Don Carter, questioning Deputy Sheriff Owens asked him if he would have chosen a colored person had there been any qualified. The sheriff answered: "It hasn't been customary and they'd have rotten-egged me clean out of town." Logan was sentenced to die for the murder of his wife. (June)

New Jersey

Elizabeth: Attorney for Amos Carr asked dismissal of manslaughter charge on the ground that colored people were excluded from the panel from which petit jury was to be drawn. Union County jury commission admitted that no colored had been called for jury service in the county for twenty years. (April)

Newark: The Court of Errors and Appeals reversed the death sentence against James Jones and ordered a new trial on th ground that colored people had been excluded from the jury. As a result preparations were begun to place the names of colored people on the grand and petit jjury lists. (June)

North Carolina

Wilson: W. H. Barnes, merchant, was called for service on the grand jury of Wilson County Superior Court. This was the first time a colored person was ever called for this grand jury. He asked to be excused because of pressing business. (September)

Wentworth: Several colored persons were called for petit jury service on the panel to try George France, charged with "criminal assault" on a white woman. Each was rejected following peremptory challenges by the State. This was the first time that colored had been called in Rockwell County. (July)

Williamston: For the first time in more than a generation, the names of colored people were placed in the jury box, making them subject to duty on grand and petit juries in the Superior Court of Martin County. (July)

Tennessee

Memphis: Ewing J. Miller, a druggist called for jury duty and excused in one minute. The jury was to try City Judge Lewis Fitzhugh in a fine remission racket. Defense attorneys asked that Miller be excused for cause, and prosecuting attorneys agreed. Miller was one of two colored persons whose names were added to the list of 10,000 Shelby County residents eligible for jury service. (July)

Knoxville: Three persons—James Brice, David E. Kemp and Samuel H. Toole, were chosen for grand and petit juries in Knox county. No colored person has served on a trial jury here in twenty years. (June)

Texas

Austin: State Court of Criminal Appeals considered appeal of John Trapper, sentenced to death for murder of white policeman. It ruled that "mere absence of colored from a jujry panel is not enough to reverse conviction of a defendant. There must be some testimony to sustain an allegation of discrimination." (July)

Virginia

Hopewell: Judge Marshall R. Peterson of Hopewell Circuit Court ordered the jury commissioners to list qualified colored persons for jury service in three counties—Sussex, Prince George and Greenville. He ordered seventy-five names taken off the existing list of 344 and replaced with the names of colored. (June)

Greenville

Daily Times

OCT 21 1935

NEGROES ON JURIES

H. C. Armstrong, a Negro school teacher, has been chosen to sit on a Mississippi grand jury to consider the case of two members of his race. The New York Herald Tribune says it is the first time since reconstruction days that a Negro has sat on a grand jury in Mississippi.

It is only proper that Negroes should be members of juries passing on the guilt or innocence of persons of their own color. As to whether Armstrong's presence will be liked by the Negroes being tried is another question. Many Negroes have well-thumbed Bibles, and persons who read the Good Book from cover to cover are not likely to agree that "bad men" should be handled with kid gloves.

We have never liked being judged by persons of another color even when we reside and do business in their lands. For instance, the Great Powers, including ourselves, forced China to have special courts wherein Europeans and Americans are tried by judges and juries other than Chinese.

New York World Telegram

NOV 5 1935

NEGROES DRAWN ON JURY

First on Louisiana Panel Since Days of Reconstruction.

By the Associated Press.

NEW ORLEANS, Nov. 5.—Negroes were placed on the juries in State courts here today for the first time since Reconstruction days.

Although Negroes have served on Federal District Court juries, the oldest court attaches said there was no record of a Negro serving on a State jury since about 1880.

The names of two Negroes, E. E. Turner and John Cook, were on the November panel in Judge J. Arthur Charbonnet's section of Criminal District Court.

NEW ORLEANS, LA. STATES

NOV 4 1935

NEGROES DRAWN FOR PARISH JURY

Names Placed on Pane First Time Since Reconstruction Days

For the first time in nearly half a century a negro was selected on the jury panel in criminal district court here Monday when the names of two negroes were drawn for jury service in the November panel in Judge J. Arthur Charbonnet's section of the court.

The two negroes are E. E. Turner, 2804 Upperline street, and John Cook, 2600 Soniat street. A third negro, Percy Marchand, 2922 Audubon street, was excused from service in the November panel of Judge William J. O'Hara's section of criminal district court.

Court attaches reported that this was the first time negroes' names had been drawn for jury service in this court since reconstruction times. Insertion of negroes' names in the jury wheel was started here several months ago following the decision of the United States supreme court in the Scottsboro case.

ARDMORE. OKLA. DAILY ARDMOREITE

OCT 24 1935

Negro Grand Juror

COAHOMA county, Mississippi, impaneled a grand jury the other day with H. C. Armstrong as a member. The epochal thing about that was that H. C. Armstrong is a Negro. It is the first time such a thing has happened, probably, since the carpetbagger days. A previous indictment of Negro defendants in the county had been quashed because it was shown that discrimination had been used to keep Negroes off the grand jury.

Coahoma county is a white man's county, but, be it said to its credit and honor, it is also a county of law and order. Set this item down as a step in the progress of the south, not toward chimerical equality of the races in the scale of social preference, but toward justice to a minority race by a majority race. It is plain fair play. It is the decency of self-respect which forbids the high to take advantage of the humble. It is the recognition by community intelligence that honest, even-handed enforcement of law according to the constitutional processes of law is the protection of the strong as well as of the weak. Coahoma county deserves no little celebration at the hands of forward-looking southerners.—*Dallas Journal.*

Nashville, Tenn. Banner

Novemebr 12, 1935

Negro on U. S. Jury

Memphis, Tenn., Nov. 12—(AP)—A Negro sat on a trial jury in Federal Court here today for the first time in many years. The juror was James Banks, seventy-one-year-old Negro elevator operator at an exclusive club. The calling of Banks was ordered to conform with the United States Supreme Court ruling in the Scottsboro Case, court attaches said.

NEGROES ON CHATHAM COUNTY JURY

Journal

It is very pleasing to note that while much discussion is being had over the entire Southland, concerning Negroes on jury list that five Negroes have been called for service on the Chatham County, Superior Court jury for the term. Their presence in the courtroom with all the air of dignity and refinement is to be noted as a step forward for Chatham County. While we make this comment on the Negroes on the jury we do offer this to mean that never before have Negroes served on the Superior Court jury of Chatham county, but it i sthe first time that a Negro has been called to jury service in the Superior Court of Chatham County, since the election of the Hon. John Rourke, Jr., to the postion of the Judge of Superior Court of the Eastern Judicial Circuit of Georgia.

While it has our observation that the Hon. John Rourke Jr. has delt inpartially with the member of the Negro race in dispensing justice, we must say that his courtly and dignified manner, has made practice in his court a pleasure. In him as a jurist, is to be found a storehouse of knowledge, that is to be envied. In him as a man in the market places, he possesses the same courtly and gentile attitude. Hence now with the calling of the Negroes to jury service, that it is step forward showing how big a man he is.

State ... Daily
October ... 1935

NEGRO JURORS NEEDED.

Greensboro News.

The Daily News is far from suggesting that any considerable number of miscarriages of justice have resulted from the failure of North Carolina authorities in making up their jury lists to include a larger number of negro citizens; but we think it is high time, in certain sorts of trials at least, to insist that the negroes share some of our responsibility.

At Durham on Saturday John Poe, a negro butler, was convicted of murder in the second degree by a white jury, and a white judge — one of the ablest and most meticulous on the bench — sentenced him to 20 to 30 years.

That seems enough, doesn't it for second - degree murder? Well we have always thought so, and generally speaking we lean toward the second degree of murder rather than the first. But John either threw gasoline on a child of fifteen — a girl who had rejected his advances — and burned her to death with her sister as they lay sleeping in their own home, or he was elsewhere at the time and is as innocent. to all intents and purposes of the law, as you and we are.

What we are driving at is just this: The life of a negro, male or female as God He created them, is not held in as high regard hereabouts as it should be. Think you that a white man burning up his girl friend could have escaped with John Poe's 20 to 30 years? All of us know better.

We are by no means certain that if the matter were left to our sole decision we would not abolish capital punishment; but we've got it and it is the penalty exacted for first - degree murder. Could there be any more deliberate murder than setting fire to one's victim?

The whole business is a horror, but had we any connection with the court which tried John Poe, we'd have slept better if there had been three or four members of John's on race on the jury which declined to call for his death sentence.

MIAMI, FLA.
HERALD

NOV 14 1935

NEGROES in the news. One, Creed Conyer, was accepted to serve on Alabama jury to consider new indictments in the famous Scottsboro case against negroes. This was in accordance with the orders of the United States Supreme court. For the first time in half a century another negro sat on a jury in Memphis, Tenn. Jim Banks, 71, elevator man, found two of his race not guilty on liquor charges. ... Judge Hugh M. Dorsey, Atlanta, took under advisement the plea of Angelo Herndon, negro youth, for a writ of habeas corpus, in connection with his 20-year sentence for inciting to insurrection. His case has been made of a national character by activities of the radicals. Who believe they are entitled to incite to revolt. To attack established government.... Two black boys, 15 and 16 years old, were lynched by a Texas mob, with probably certain connivance by officers, for an alleged attack and murder of a girl. That expression of civilization leaves much to be desired.

Negro Qualified For Jury Service

Commercial

For the first time since reconstruction days a negro yesterday was qualified for jury duty in the circuit and criminal courts.

J. C. Oates, undertaker, 317 Auction, a freeholder and a householder, was qualified by Judge Joe Hamner as one of 93 veniremen selected. About 500 jurors must be qualified for the three-week term under way.

11-19-35

Oates was not called for jury service yesterday, but may sit on a jury today, if acceptable to counsel. His inclusion in the jury list is in accord with a recent ruling of the supreme court that negroes must be included on the list from which jurors are drawn.

A negro sat on a federal jury last week here for the first time in many years.

PLACE NEGRO AS MEMPHIS JUROR

Amsterdam News

MEMPHIS, Nov. 21 (ANP).—James Banks, 71, elevator operator at the Tennessee Club and a resident of Memphis for 22 years, was selected as juror to try the November-December criminal docket in federal court last Tuesday afternoon. He is the first Negro thus named locally in 51 years.

11-23-35

Federal Judge Martin, in whose court the jury sits, remarked, "In my thirty-one years in the practice of law I know of no other case in which a Negro has served on a trial jury in Memphis." Banks himself, after a decision by the jury to dismiss two alleged liquor offenders, both Negroes, expressed the feeling that he was mighty proud they had placed confidence in him and his actions, and as a juror would be in no way influenced by the color of a defendant.

Four Negroes On Jury In Dothan Federal Court

DOTHAN, ALA., Nov. 19 (Special).—Two white men convicted in Federal Court here today of violating the Federal revenue laws gave their prison terms in part to the first negroes to sit on a jury in the history of Houston County. Four sat in the case of Raymond Branton, who drew two years, and one in that of Henry C. Hall, sentenced to four years by Judge C. B. Kennamer.

All criminal cases involved revenue laws, and disposing of this docket, Judge Kennamer sounded the civil docket of some 80 cases, mostly small and some hangovers from the celebrated seed loan cases of four years ago.

New York World Telegram

NOV 18 1935

NEGRO ON MEMPHIS JURY

First Selection of Kind Since Carpet-Bagging Days.

By the United Press.

MEMPHIS, Nov. 18.—For the first time since carpet-bagging days a Negro was seated here today as a juror in Circuit Court.

J. C. Oates, undertaker, was one of two Negroes qualified among ninety-three jurors. The other, L. J. Searcy, asked to be excused.

Juries -1935.

Hoosier Lawyer Wins Jim-Crow Jury Fight

Courier 6-8-'35 Johnstown Pa.

WINS FIGHT

MUNCIE, Ind., June 6—Following a persistent five-year fight by Attorney George R. Brawley, prominent local lawyer, a colored man won, for the first time in five years, a seat on a circuit court jury here. The man selected was Thomas Phillips, a courthouse employe.

In Attorney Brawley's motion pleading for the inclusion of Negroes on jury lists, he cited the recent important Scottsboro case and Jess Hollins case decisions as handed down by the United States Supreme Court.

Following this concerted effort for the rights of the race, the Indiana Supreme Court ruled that women and colored persons cannot be excluded from jury service, and Judge L. A. Guthrie issued specific instructions to the jury commissioners that such exclusion would not be tolerated.

In Attorney Brawley's campaign for justice, he had the wholehearted support of Muncie's Professional and Business Men's Council, the churches, lodges and other important organizations in this city.

ATTY. GEORGE BRAWLEY
Militant Muncie, Ind., lawyer whose long fight for representation on Hoosier juries has ended successfully.

WHITE JURY ASKED

Negro Doesn't Want 'A Black Nigger' in Box.

CLEVELAND, Tenn., June 20.—(AP)—Ab Clack, a negro on trial for murder here today, told Judge John J. Blair "I'd rather be tried by white folks than by a black nigger," when his attorneys entered a plea in abatement on the grounds that the grand jury contained no negroes.

Judge Blair informed the defendant that he would be tried by a white jury, overruling the plea, which was based on the grounds of the United States supreme court rulings in the Scottsboro, Ala., case.

However, there was no trial as the negro subsequently submitted to a charge of second-degree murder and was given a ten-year sentence.

Franklin, Tenn., News
June 21, 1935

Negro Names Placed On Jury Roll For First Time In This County.

For the first time in the history of Williamson County the names of negroes will appear in the box from which jurors for service at the September term of Court will be drawn, according to Judge Wirt Courtney, who instructed the jury commissioners to draw the negro names at the convening of Chancery Court here last week.

The Scottsboro trial in Alabama, which was reversed by the U. S. Supreme Court because there were no negro names in the jury box, was given as the reason for including the names here. In the Scottsboro trial, now famous through wide publicity, five negroes were convicted to hang on a charge of rape. The Alabama practice of barring the names from the jury box has thus far saved them from the gallows. The case was returned for retrial.

In Williamson County it is doubtful that there are many negroes who will not have an acceptable excuse for not serving as one of the "twelve good men and true."

ABERDEEN, S. D.
EVENING NEWS

JUN 15 1935

"A SECOND HINT"

In reversing an Oklahoma case recently, the supreme court of the United States repeated the hint that it will confirm no decision against a Negro in a criminal case unless it be convinced that because of race or color Negroes have not been excluded from grand or petit juries concerned in the case. In view of this prompt renewal of the court's decisive declaration in the Norris Scottsboro case, the South can expect a flow of similar decisions until it heeds the behest of the court. . . . . The South cannot ignore the supreme court's ruling. Gov. Graves, of Alabama, has already urged the judges of his state to see to it that Negroes were placed upon the panels for grand and petit jury service. Unless this course be followed, not only in Alabama but all over the South, no criminal conviction of a Negro can be sustained in the appellate courts.—Chattanooga Times.

GREENSBORO, N. C.
NEWS

JUN 12 1935

JUDICIAL PREPAREDNESS.

Judge H. Hoyle Sink's order to the Guilford county commissioners, setting forth the duty of the board to include negroes in the jury list for the next two years, is, aside from the equities and rudimentary justice involved, not only logical but apparently necessary in view of the Supreme court's Scottsboro case, and subsequently reiterated, ruling.

The commissioners, cognizant of this ruling, turned to Judge Sink for advice, and his order followed, protecting justice not only in the county, where the issue impends in a specific case, but assuring against reversals which his own court might receive at the hands of higher tribunals in the light of what has already been decreed and must be accepted for legal guidance.

Guilford is not the only county which has acted in such manner. Mecklenburg and Union have expanded their jury lists similarly, and other of the 100 subdivisions of the state have doubtless fallen in line. In the great majority of exchanges which have passed across the editorial desk, little or nothing has been noted anent the question; an omission which may mean either that the jury list was prepared as usual and considered merely routine or that the expansion occurred but the officials who gave out the report or the reporters who prepared the news abstracts saw fit to say nothing of it for political, practical or other reasons of their own.

What is probably the political viewpoint, likewise merging into the practical, was reflected in the Cleveland Star's account of the procedure at Shelby. The jury list was drawn in wonted fashion without any attention to inclusion of negroes. Lawyers, the Star quoted one of the legal brethren as saying, could not afford, for political reasons, to appeal cases on this issue; meaning, as seems to be the only interpretation, that they quite frankly would not. Obviously, the issue is likely to be forced only in rare instances when these political aspects, along with the recognition that virtually every lawyer is a potential seeker after public office, are considered. The political safeguards already provided, however, become plain to the naked eye when one reads how the number of peremptory challenges allowed the state was sharply increased by the last session of the general assembly.

But Judge Sink's court and Guilford county are properly keeping within the law. That other counties and other courts are not acting similarly offers its own commentary upon the lack of judicial and legalistic consistency, the vagaries of the law and its administration, in a North Carolina which must in that respect be little if any different, a similitude in no wise cited by way of extenuation, from the other 47 states of the union.

CHARLOTTE, N. C.
OBSERVER

JUN 4 1935

NEGROES AND JURIES.

An innovation begins in this county in the matter of allowing negroes to serve as jurymen.

In view of the recent Supreme Court decision in the renowned Alabama case, originating at Scottsboro, the action of the county commissioners was not only logical but unavoidable if protection is to be given verdicts in the local courts in the future against being thrown out for the same reason that the Scottsboro verdict went out—that negroes were barred in that State from jury service.

With the inevitability of this course before them, the commissioners have acted properly and wisely.

There are now two duties incumbent upon all concerned, first upon the commissioners to be exceedingly careful in their selections of jurymen, not only as to the colored, but as to the white race as well and, second, a duty resting upon the negro citizenship of the community to strive to advance itself to that degree of mental and moral fitness to accept this public responsibility.

Bristol, Va., Herald-Courier
June 23, 1935

Negro Jurors.

Negroes qualified for jury duty in Hopewell, Virginia, will be placed on the jury list there forthwith under an order issued by Judge Marshall R. Peterson of Hopewell Circuit Court Judge Peterson has directed the Commissioners to proceed immediately to revise the list and include a proper proportion of Negroes who are qualified.

The Hopewell jurist has followed the lead of some other Circuit Judges in Virginia who have ordered that Negroes be included in jury lists. These Judges have recognized a situation created by decisions of the United States Supreme Court and moved to meet it in the only way that it can be met. Judges everywhere should fall in line.

The Supreme Court has put the courts of all States on notice that it will not uphold verdicts in cases of Negroes convicted by juries from which members of their race are barred. Negroes convicted by such juries have only to appeal to the Supreme Court to obtain a new trial. General recognition of this fact will save much trouble and expense.

Scottsboro Funds

IN A few days, hearings in juvenile court for Roy Wright and Eugene Williams, youngest Scottsboro boys, and bail hearings for Olen Montgomery and Willie Roberson, in which it will be demanded that bail be set for them, will take place.

Both these hearings will take place in Decatur, Ala. They will both be in the nature of trials. Many witnesses will have to be brought in. There will be heavy legal expenses. The cost of the mass campaign which will safeguard the boys will mount.

The International Labor Defense must collect $4,000 for this purpose within the next few days. These legal proceedings toward the freedom of the Scotsboro boys must not be imperilled for lack of funds. Rush money today to the I.L.D., 80 East 11th Street. New York City.

New York World Telegram
JUN 25 1935

NEGRO REFUSED DEFENSE.

By the United Press.

FULTON, Mo., June 25.—A jury in the County Circuit Court today found Anderson Logan, a Negro, guilty of murdering his wife, Angela, and decreed that he be hanged. The Negro's defense counsel refused to produce evidence or call witnesses because Negroes were excluded from jury service in Callaway County.

RICHMOND, VA.
TIMES DISPATCH
JUN 23 1935

No Negroes Put On Jury Lists At Petersburg

Barred From 1935 Service as Judge Holds Selection Is Up to Commission

PETERSBURG, June 22—Negro citizens stand practically no chance of being placed on the jury list here this year, it was learned today in the wake of the action of Judge Marshall R. Peterson of the Third Judicial Circuit in ordering Negroes on jury lists in the city of Hopewell and the counties of Prince George, Sussex and Greensville. The court order already has been carried out in Prince George and Greensville, the names of 20 Negroes being placed on the list in the former county and 29 in the latter.

The question of putting Negroes on the jury list in Petersburg arose several months ago when Judge R. T. Wilson of Hustings Court took the stand that the judge had absolutely nothing to do with who is put on the trial jury list. He pointed out then that the names which appear on the trial jury list are put there by jury commissioners and they alone are responsible for the selection.

Judge Wilson declared today that his previously expressed views in the matter "have not changed in a particle" and would make no further comment. One of the three jury commissioners here who compiled the list in February said today the work of the commissioners had been completed for the year in accordance with the law on the subject and that no revision of the list is contemplated. This list does not include Negroes.

NO NEGROES ON JURY, KNOX ASKS RELEASE

Federal court records yesterday showed another attempt to set aside the conviction of a negro on the grounds that constitutional rights had been violated through alleged failure to include negroes on jury lists.

Buddy Knox, Chattooga county negro who was given a one-to-four-year sentence for burglary, filed habeas corpus proceedings in federal court alleging that negroes were "systematically" excluded from jury lists in Chattooga county.

Knox seeks release from the Polk county prison.

Judge E. Marvin Underwood ordered a hearing on the petition continued indefinitely after prison officials indicated they were not ready to proceed with an immediate hearing.

Dothan, Ala., Journal
July 15, 1935

Board Will Not Say Whether Negroes Are On County Jury List

The Houston County jury board was reported Wednesday to be loathe to say whether or not names of Negroes had been placed on the list of jurymen which has just been compiled by the group.

Gov. Bibb Graves several months ago directed jury boards throughout Alabama to include names of Negroes in future jury lists. The local commission Wednesday completed their month's task of refilling the jury box. The governor's order came on the heels of the United States supreme court's decision that a new trial would be necessary in the famed Scottsboro case because the nine Negroes convicted of assaulting two white women were not tried by juries selected from venires which included other Negroes.

J. F. Beall, W. A. Stembridge and Floyd Forrester, although declining to state whether Negroes had been included in the Houston County venire, said they had complied with the law. Conjecture based on their statement is that at least several Negroes' names are on the list.

DEMANDS AND GETS ALL NEGRO JURY

Mason, Mo., ugust 1—Attorney Waldo Edwards wo successfully demanded "te colored man's right to be tried by a colored jury," today was credited with winning an acquittal for fuor Negro clients charged with gambling.

Edwards drew the color line before Judge J. D. Hall and the latter promptly excused the white jurors and sent court officers out to round up an "all Negro panel."

The Negro defendants, Robret Johnson, Edward Oliver, Otis Grant, adn Robert Guy were arrested last April 14 by Sheriff B. R. Williams who found them seated around a table upon which lay cards and money. Williams also found a coffee pot full of "hard liquor."

Prosecutors told of teir air-tight case, but Edwards waited until his closing arguments to put in a defense.

"Gentlemen of the jury," he began. "life is a game of chance in which we are all players. The farmer takes a chance n his crops, the traveler on reaching his destination safely. Getting down to this case the sheriff says he found these boys with cards in their hands, playing poker or betting. He doesn't

"He didn't tell you they were know how to play poker. This may have been a game of old maid or euthers or pinoche.

"He says there was money on the table, but doesn't tell you what kind of mone. It may have been tokens or Chinese coins or shinplasters. You are left entirely in the dark. With so many important facts i ndoubt, the law says you must acquit."

And that is exactly what the "all Negro" jury did.

BIRMINGHAM, ALA.
POST
AUG 2 1935

NEGROES WILL BE PUT ON JURY LIST

2000 Will Be Subject To Call In September

Two thousand Negroes will become subject to jury service in Jefferson County Sept. 1 when their names are placed on the jury roll in accordance with the "Scottsboro decision" of the United States Supreme Court and a subsequent order issued by Governor Graves.

James J. Smith, chairman of the county Jury Board, said today that the Negroes' names were being placed on the rolls along with those of approximately 30,000 white persons. He pointed out, however, that the names of some Negroes have been on the rolls for the past several years and cited cases where they have been summoned for jury duty but dismissed at their own request.

The jury box in this county is refilled every two years.

Gadsden, Ala., Ledger
Aug. 5, 1935

NEGROES TO SERVE ON FEDERAL COURT JURY

Will Be Summoned for Next Term at Greenville, Clerk Says.

Greenville, August 5.—Negroes will be summoned for jury service at the next term of United States court for the western district of South Carolina beginning at Rock Hill September 10, it was learned today.

It will be the first time negroes have been summoned in the western district. Names of negroes who are qualified electors—a requisite for service—have been secured from the clerks of court of the 18 counties which compose the western district.

Judge Hayne F. Rice, of Aiken, several months ago ordered jury commissioners at Spartanburg to include names of negroes in the jury box.

Juries-1935

N. C. Legislature May Legally Bar Race Jurors

RALEIGH, N. C., May 24—NNo Negro is ever likely to serve on a jury in North Carolina, in spite of the recent decision of the U. S. Supreme court in the Scottsboro case in Alabama, according to opinion here. For the session of the General Assembly which adjourned only a few days ago, enacted a law which in no way referred to the Scottsboro case or to service of Negro on juries which is expected will effectually remove the possibility of a Negro ever being left on a jury even if several should be drawn for jury duty.

All this law does is to increase the number of peremptory challenges which the state may have from four to six, which means that in addition to the number of jurors which may be dismissed by either the state or the other side for cause, the state will now have six peremptory challenges with which it may dismiss jurors without cause. Thus if as many as six Negro jurors should be drawn for jury duty and be able to qualify in every other way, the state could dismiss all six of these jurors without cause. Nor is this law or practice in any way contrary to the federal constitution, since white jurors as well as colored jurors may be dismissed without cause under peremptory challenges.

The state does expect to conform with the decisions of the U. S. Supreme court and see to it that the names of Negro property owners are put on the jury lists so that Negro property owners who have paid their taxes up to date and who are otherwise qualified may be drawn for pury duty. It is not expected, however that a very large nkmber of Negroes will be able to qualify for jury duty and of these it is expected that only a very few will ever be summoned for jury duty. If and when they are called for jury duty, it will be possible to eliminate most of them with direct challenges, it is also agreed. But if one or two manage to get by all the direct challenges, the state will still have left the six peremptory challenges which this new law has given to meet such an emergency. Heretofore the state had only four peremptory challenges.

Negroes Are not Likely to Serve On State Juries

State's Peremptory Challenges Have Been Increased From Four to Six

Sun Capital Bureau,
Sir Walter Hotel

RALEIGH, May 15.—No Negro is ever likely to serve on a jury in North Carolina, in spite of the recent decision of the U. S. supreme court in the Scottsboro case in Alabama, according to opinion here. For the session of the general assembly which adjourned only a few days ago enacted a law which in no way referred to the Scottsboro case or to service of Negroes on juries which is expected will effectually remove the possibility of a Negro ever being left on a jury even if several should be drawn for jury duty.

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NEGROES ON JURIES

To the Editor of The Telegram:

In Mr. Eugene Anderson's article on the recent Supreme Court decision on the "Scottsboro case," are some remarkable statements.

The Supreme Court without one dissenter, correctly interpreted the Constitution by ruling that Negroes are denied their constitutional right, when deprived of jury service.

Mr. Anderson dwells at some length on the fact that the Supreme court overruled the state court as to whether Negroes were deliberately left off the jury lists. He cails it sensational, because the learned justices refused to consider six underlined names of Negroes on the jury list (which handwriting experts say were added after the list was compiled) as evidence that Negroes did serve on juries, while the clerk of the jury commission, two commissioners, and a court reporter had never known of a Negro to serve on a jury in that county.

Mr. Anderson further speaks of the "tyranny of the decision." I can't see any tyranny in the decision. To the contrary I do see in the decision a relief from tyrannical practice of a Negro being arrested, prosecuted, and tried by men of whom none are his peers.

Not some but many Negroes are qualified willing to perform jury service. And those who are exempted by the Constitution, but who may serve if they deshire will in most cases signify their willingness even at a loss to themselves.

There is no reaon to doubt the ability and intelligence and uprightness of the educated Negro. The Negro criminal 95 per cent of the time is from the ranks of those who are denied adequate facilities for public education and is unable to get it through private means. The Negro is without adequate facilities for recreation and learning and lives under very distinct disadvantages. Yet, Mr. Anderson, there are many Negroes in every state of our great South who in spite of handicaps are qualified for jury service.

WILLIAM RANDALL.

Special All Negro Grand Jury Solves Problem In Virginia

FAIRFAX, Va., May 28. (AP)—Fairfax county has heard the supreme court admonition against systematic exclusion of Negroes from juries.

A special grand jury composed entirely of Negroes was convened here and returned indictments against two Negro women. It was the first time an all-Negro grand jury had served in the county for 52 years since a Negro had done jury duty here.

The women indicted were Mary Carpenter and her mother, E. Louise Carpenter. True bills charging them with arson were returned and the mother also was charged with "procuring the burning of a dwelling to defraud the insurer."

A 100 per cent white grand jury had indicted the Negroes Monday, but defense attorneys attacked the indictments because no Negroes were among the jurors. The court dismissed the indictments, and convened the special Negro group.

In 1933, a jury of eight Negroes and four white persons tried Charles Botts, Negro, after his counsel complained against the absence of Negroes from juries.

Carr. Co., Messenger
May 31, 1935

NEGROES FOR JURY DUTY.

The recent decision of the U. S. Supreme Court setting aside a verdict of an Alabama jury, involving Negroes, because Negroes were not permitted to serve on juries in that state, continues to stir up comment of all kinds.

Immediately after the decision was announced, Governor Bibb Graves, of Alabama, in what appeared to be a hastily-prepared decision and statement, accepted the reversal by the high court and ordered that officials immediately place the names of Negroes in the jury boxes.

If Alabama's law is similar to that in this state, the order of Governor Graves was both unnecessary and unfortunate. The law in Georgia very properly leaves the question of putting names of Negroes in the jury boxes entirely with the jury commissioners in each county. The Georgia law simply says that "the jury commissioners shall select from the books of the tax receiver (the tax digest), upright and intelligent men to serve as jurors." Only a few Georgia counties have Negroes eligible for jury service, although in Chatham (Savannah) and Richmond (Augusta) counties, Negroes have been eligible for service on petit juries for years.

The Messenger understands that the jury commissioners in this county, and in most Georgia counties, at least, have followed the law, in spirit as well as in letter, in that no particular distinction has been made in the races, when uprightness and intelligence were being considered. It would not seem, therefore, that the Alabama question should ever arise in this state.

Statesville, N. C. Daily
May 17, 1935

New Law Passed to Block Negroes from Serving on Juries

Raleigh, May 16.—No negro is ever likely to serve on a jury in North Carolina, in spite of the recent decision of the U. S. Supreme Court in the Scottsboro case in Alabama, according to opinion here. For the session of the general assembly which adjourned only a few days ago enacted a law which in no way referred to the Scottsboro case or to service of negroes on juries which is expected will effectually remove the possibility of a negro ever being on a jury even if several should be drawn for jury duty.

All this does is to increase the number of peremptory challenges which the state may have from four to six, which means that in addition to the number of jurors which may be dismissed by either the state or the other side for cause, the state will now have six peremptory challenges with which it may dismiss jurors without cause. Thus if as many as six negro jurors should be drawn for jury duty and be able to qualify in every other way, the state could dismiss all six of these jurors without cause. Nor is this law or practice in any way contrary to the federal constitution, since white jurors as well as colored jurors may be dismissed without cause under peremptory challenges.

The state does expect to conform with the decision of the U. S. Supreme court and see to it that the names of negro property owners are put on the jury lists so that negro property owners who have paid their taxes up to date and who are otherwise qualified may be drawn for jury duty. It is not expected, however,

that a very large number of negroes will be able to qualify for jury duty and of these it is expected that only a very few will ever be summoned for jury duty. If and when they are called for jury duty, it will be possible to eliminate most of them with direct challenges, it is also agreed. But if one or two manage to get by all the direct challenges, the state will still have left the six peremptory challenges which this new law has given to meet such an emergency. Heretofore the state had only four peremptory challenges.

Birmingham [illegible] News
May [illegible]

NEGROES ON JURIES

Special Venire Sits In Virginia After Exclusion Is Charged

FAIRFAX, Va. — (AP) — Fairfax County has heard the Supreme Court admonition against systematic exclusion of Negroes from juries.

A special Grand Jury composed entirely of Negroes was convened here Friday and returned indictments against two Negro women. It was the first time an all-Negro Grand Jury had served in the county for 52 years since a Negro had done jury duty here.

The women indicted were Mary Carpenter and her mother, E. Louise Carpenter. True bills charging them with arson were returned and the mother also was charged with "procuring the burning of a dwelling to defraud the insurer."

A 100 per cent white Grand Jury had indicted the Negroes Monday, but defense attorneys attacked the indictments because no Negroes were among the jurors. The court dismissed the indictments, and convened the special Negro group.

In 1933, a jury of eight Negroes and four white persons tried Charles Botts, Negro, after his counsel complained against the absence of Negroes from juries.

Thomasville, N. C., News-Times
May 17, 1935

Assembly Action Bars Colored

Raleigh.—No negro is ever likely to serve on a jury in North Carolina, in spite of the recent decision of the U. S. supreme court in the Scottsboro case in Alabama, according to opinion here. For the session of the general assembly which adjourned only a few days ago enacted a law which in no way referred to the Scottsboro case or to service of negroes on juries which is expected will effectually remove the possibility of a negro ever being left on a jury even if several should be drawn for jury duty.

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Negro Jurors Are Denied Their Rights

Plaindealer
5-31-35
Kansas City, Kans.

ST. LOUIS, Mo., May 31—(ANP)—St. Louis County has violated the Fourteenth Amendment to the Constitution of the United States of America, in that it denied Raymond Batson, 29-year-old demented, amateur lawyer and preacher, who shot and killed Justice of the Peace Phillip R. Rabenau, last December, equal protection of the laws in failing to call Negro jurors according to a plea filed here this week.

Motion to quash the murders' indictment returned into the Circuit court of St. Louis County against Batson was filed by his attorney Freeman L. Martin, last Monday morning.

Batson shot and killed Justice of the Peace Rabenau in his office in Kirkwood, a suburb, December 28 last year, and fatally wounded another white man, Dr. William E. Poole a dentist.

Batson who was shot in the left elbow before he was captured, claimed that Justice Rabenau had signed his name without authority to an affidavit for appeal on an appeal bond for Batson's wife and the latter's aunt.

The two women had been sentenced to 30 days in jail by Justice Rabenau on December 13 on a peace disturbance charge growing out of a cutting involving the two women and a 15-year-old girl.

Although neither a licensed lawyer nor an ordained minister, Batson frequently represented persons having cases in justice of peace court.

Putting Up Unnecessary 'Safeguards'

Special to Courier

BEFORE adjournment of the North Carolina General Assembly a bill was passed that will have the effect of making it easier for the State to get around complying with the United States Supreme Court's recent decrees (Alabama and Oklahoma cases) on the question of denying Negroes the right to serve upon juries. Commenting upon the new law the Raleigh correspondent of the Winston-Salem *Sentinel* wrote his paper as follows:

"No Negro is ever likely to serve on a jury in North Carolina, in spite of the recent decision of the U. S. Supreme Court in the Scottsboro case in Alabama, according to opinion here. For the session of the general assembly which adjourned only a few days ago enacted a law which in no way referred to the Scottsboro case or to service of Negroes on juries which is expected will effectually remove the possibility of a Negro ever being left on a jury even if several should be drawn for jury duty.

"All this law does is to increase the number of peremptory challenges which the state may have from four to six, which means that in addition to the number of jurors which may be dismissed by either the state or the other side for cause, the state will now have six peremptory challenges with which it may dismiss jurors without cause. Thus if as many as six Negro jurors should be drawn for jury duty and be able to qualify in every other way, the state could dismiss all six of these jurors without cause. Nor is this law or practice in any way contrary to the federal constitution, since white jurors as well as colored jurors may be dismissed without cause under peremptory challenges."

That is the kind of comment that carries with it an all too prevalent, and unwarranted degree of finality. Unwarranted because seldom, if ever, do such prophecies hold. The more rational side of the matter, expressing more nearly what does happen, in the long run, is taken from the following comment by R. R. CLARK, an editorial commentator in the *Greensboro Daily News*:

"A story under a Raleigh date line mentions the increase of the number of peremptory challenges allowed the state—from four to six, the increase to give the prosecution a fairer chance in jury selection and without reference to the high court decision as to Negroes and jury service, and estimates that the peremptory challenges and the other causes by which prospective jurors may be stood aside will work to the exclusion of all Negroes from jury service, under entirely lawful procedure. It could and it will for a time probably. But after the public becomes accustomed to seeing Negroes appear in the jury panel and after the prejudice has been modified, as it will be with the passing of time, all Negroes will not be excluded for cause simply because of race. Lawyers who pick jurors accept such as they believe will be favorable to their side of the proposition. Just as soon as they are convinced that accepting a Negro juror who is believed to be favorable will not work to the injury of their side by reason of his color, the Negro will be accepted as whites are—because of his possible attitude in the case. Also the regular practice of excluding Negroes called for jury service in all cases in which they are offered and their systematic exclusion from the grand jury, for instance, would mean that they were being as systematically excluded as if they were not drawn. Eventually that might draw another high court decision.

"It is well that the regulations permit Negroes summoned for jury service being excused under the same rules that permit excusing, or rejecting, white jurors. Better that it is that way until whites get accustomed to the change. Then occasionally one will be accepted because he suits the side accepting him—is believed to be good material—or because excuses for rejecting may have all been used. It will work out after the edge of prejudice has been dulled by custom."